

# A G E N D A

U.S. Environmental Protection Agency  
*EPA Regulatory Plan and Semiannual Regulatory Agenda - Fall 2006*  
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Part Two - Regulatory Agenda (pages 43 - 177 of 191 pages)  
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**ENVIRONMENTAL PROTECTION AGENCY (EPA)**


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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Ch. I**

[FRL 8209-2]

**Fall 2006 Regulatory Agenda****AGENCY:** Environmental Protection Agency.**ACTION:** Semiannual regulatory agenda.

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

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

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

If you would like to subscribe, please call 800-490-9198 or, until November 15, send an e-mail with your name and address to: ncepimal@one.net. After November 15, send it to nscep@bps-lmit.com. There is no charge for a single copy of the agenda.

**FOR FURTHER INFORMATION CONTACT:** If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about or suggestions for improving the agenda or questions about EPA's decisionmaking process, please contact: Phil Schwartz (1803A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; phone: (202) 564-6564; e-mail: schwartz.philip@epa.gov.

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

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

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

and priorities please see the Statement of Priorities in the FY 2007 Regulatory Plan ([www.epa.gov/regagenda](http://www.epa.gov/regagenda)).

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

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

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

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

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

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

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

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

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

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

The Regulatory Plan, which is required by Executive Order (E.O.) 12866, is published along with the fall edition of the regulatory agenda. The Plan includes a limited number of EPA actions, typically 20-45, which will be published during the current fiscal year and which are the centerpieces of our regulatory priorities. Plan entries

include all of the information included in agenda entries described in section E, below, as well as additional information about alternatives, the need for a Federal solution, costs, benefits, and risks.

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

#### To Find the Regulatory Plan:

EPA's FY 06 regulatory plan is located in part 2 of this issue of the **Federal Register**. Within a day or two of publication, on-line versions will be located at <http://www.epa.gov/REGAGENDA> and at [http://ciir.cs.umass.edu/ua/Fall2006/regplan/ENVIRONMENTAL\\_PROTECTION\\_AGENCY\\_\(EPA\).html](http://ciir.cs.umass.edu/ua/Fall2006/regplan/ENVIRONMENTAL_PROTECTION_AGENCY_(EPA).html).

### D. How Is the Agenda Organized?

We have organized the Agenda:

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

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

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

1. Prerulemaking—Prerulemaking actions are generally intended to determine whether EPA should
2. initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.
3. Proposed Rule—This section includes EPA rulemaking actions that are within a year of proposal
4. (publication of Notices of Proposed Rulemakings (NPRMs)).
5. Final Rule—This section includes rules that will be issued as a final rule within a year.
6. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action is after October 2008.
7. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2006 agenda. It also includes actions that we are no longer considering. If an action appears in the completed section, it will not appear in future agendas unless we decide to initiate action again, in which case it will appear as a new entry. EPA also announces the results of our Regulatory Flexibility Act section 610 reviews in this section of the agenda.

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

Agenda entries include the following information, where applicable:

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

*Title:* Titles for new entries (those that have not appeared in previous agendas) are preceded by a bullet (•). The notation "Section 610 Review" follows the title if we are reviewing the rule as

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

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

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

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

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or
3. Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles in Executive Order 12866.

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

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

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

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

*Legal Authority:* The sections of the United States Code (U.S.C.), Public Law (P.L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

*CFR Citation:* The sections of the Code of Federal Regulations that would be affected by the action.

*Legal Deadline:* An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

*Abstract:* A brief description of the problem the action will address.

*Timetable:* The dates (and citations) that documents for this action were published in the **Federal Register** and, where possible, a projected date for the next step. Projected publication dates frequently change during the course of developing an action. The projections in the agenda are our best estimates as of the date we submit the agenda for publication. For some entries, the timetable indicates that the date of the next action is “to be determined.”

*Regulatory Flexibility Analysis Required:* Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

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

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

*Federalism Implications:* Indicates whether the action is expected to have

substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

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

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

### 1. Public Dockets

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

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

*2. EPA Web sites*

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

*3. Regulatory Agenda Web sites*

If you have access to the Internet, you can use databases and their accompanying search engines developed by the EPA and the Regulatory Information Service Center (RISC) at the General Services Administration to help you locate actions that are of interest to you. The EPA regulatory agenda search engine is located at [www.epa.gov/regagenda](http://www.epa.gov/regagenda). We are working on making the site easier to use to provide more frequent updates. If you have any thoughts or suggestions, please contact us at: <http://yosemite.epa.gov/OPEI/smallbus.nsf/Contactus?openform>. RISC's searchable databases are at <http://ciir.cs.umass.edu/ua/>.

*4. Agenda Indexes*

There are five indexes that provide:

- a. A list of the existing rules that we are reviewing under section 610 of the RFA
- b. A list of actions that may have a significant impact on a substantial number of small businesses, small governments, or small non-profit organizations
- c. A list of actions that may have some impact on some small businesses, small governments, or small non-

- profit organizations but that may either have less than a significant impact or affect fewer than a substantial number of them
- d. A list of actions that may affect State, local, or tribal governments
- e. A list of actions that may have federalism implications as defined in E.O. 13132.

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

*5. Listservers*

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

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

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

For each of our rulemakings, we consider whether there will be any adverse impact on any small entity. We attempt to fit the regulatory requirements, to the extent feasible, to the scale of the businesses,

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

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

**H. Thank You for Collaborating with Us.**

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

**Dated:** September 6, 2006.

**Louise P. Wise,**

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

**GENERAL—Proposed Rule Stage**

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

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## GENERAL—Proposed Rule Stage (Continued)

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

## GENERAL—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3008            | SAN No. 3580 Incorporation of Class Deviations Into EPAAR .....  | 2030-AA37                    |
| 3009            | SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements .....                          | 2020-AA39                    |
| 3010            | SAN No. 5092 Implementation of 2 CFR Part 180 .....  | 2030-AA94                    |
| 3011            | SAN No. 4536 Project XL Site Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico (Phases I-II) ..... | 2090-AA27                    |

## GENERAL—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3012            | SAN No. 3240 Public Information and Confidentiality Regulations ..... | 2025-AA02                    |

## GENERAL—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3013            | SAN No. 5062 Implementation of Authority To Appoint Research Scientists .....   | 2030-AA91                    |
| 3014            | SAN No. 5063 Simplified Acquisition Financing .....   | 2030-AA92                    |
| 3015            | SAN No. 4836 Project XL Site Specific Rulemaking for the NASA White Sands Test Facility in Las Cruces, New Mexico (Phases III-VI) ..... | 2090-AA35                    |

## CLEAN AIR ACT (CAA)—Prerule Stage

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

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

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

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3023            | SAN No. 4309 National VOC Emission Standards for Consumer Products; Amendments .....  | 2060-AI62                    |
| 3024            | SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide .....   | 2060-AK26                    |
| 3025            | SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems .....   | 2060-AJ86                    |
| 3026            | SAN No. 4633 Performance-Based Measurement System For Fuels: Criteria For Self-Qualifying Alternative Test Methods; Description of Optional Statistical Quality Control Measures .....                            | 2060-AK03                    |
| 3027            | SAN No. 4871 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder ( <b>Reg Plan Seq No. 101</b> ) .....   | 2060-AM06                    |
| 3028            | SAN No. 4856 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations .....   | 2060-AM09                    |
| 3029            | SAN No. 4859 NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization .....  | 2060-AM14                    |
| 3030            | SAN No. 4882 Control of Emissions From Nonroad Spark-Ignition Engines and Equipment ( <b>Reg Plan Seq No. 102</b> ) .....   | 2060-AM34                    |
| 3031            | SAN No. 4884 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers .....  | 2060-AM44                    |
| 3032            | SAN No. 4885 Flexible Air Permit Rule .....   | 2060-AM45                    |
| 3033            | SAN No. 4916 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use with Substitute Refrigerants .....                             | 2060-AM49                    |
| 3034            | SAN No. 4906 NESHAP: Area Source Standards—Clay Ceramics Industry .....   | 2060-AM53                    |
| 3035            | SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act .....   | 2060-AM55                    |
| 3036            | SAN No. 4699.1 Request for Comments on Potentially Inadequate Monitoring in Clean Air Applicable Requirements and on Methods to Improve Such Monitoring .....   | 2060-AM63                    |
| 3037            | SAN No. 4889 NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing .....   | 2060-AM71                    |
| 3038            | SAN No. 4907 NESHAP: Gasoline Distribution Area Source Standards .....  | 2060-AM74                    |
| 3039            | SAN No. 4908 NESHAP: General Provisions (Once In Always In) — Amendments .....  | 2060-AM75                    |
| 3040            | SAN No. 4926 NESHAP: Defense Land Systems and Miscellaneous Equipment .....   | 2060-AM84                    |
| 3041            | SAN No. 4927 NESHAP: Iron and Steel Foundries; Amendments .....   | 2060-AM85                    |
| 3042            | SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments .....   | 2060-AM87                    |
| 3043            | SAN No. 4940 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions .....   | 2060-AM91                    |
| 3044            | SAN No. 4699.2 Implementing Periodic Monitoring in Federal and State Operating Permit Programs ( <b>Reg Plan Seq No. 103</b> ) .....  | 2060-AN00                    |
| 3045            | SAN No. 4958 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Amendments .....   | 2060-AN10                    |
| 3046            | SAN No. 4960 Response to Petition of Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport .....                                | 2060-AN12                    |
| 3047            | SAN No. 4978 NESHAP: Autobody Refinishing - Area Source Rule .....  | 2060-AN21                    |
| 3048            | SAN No. 5008 Review of the National Ambient Air Quality Standards for Ozone ( <b>Reg Plan Seq No. 104</b> ) .....   | 2060-AN24                    |
| 3049            | SAN No. 4794.2 Prevention of Significant Deterioration, Nonattainment New Source Review, and New Source Performance Standards: Emissions Test for Electric Generating Units ( <b>Reg Plan Seq No. 105</b> ) ..... | 2060-AN28                    |
| 3050            | SAN No. 4991 Protection of Stratospheric Ozone: Revision to Listing of Carbon Dioxide Total Flooding Fire Extinguishing Systems Restricting Use to Only Unoccupied Areas .....                                    | 2060-AN30                    |
| 3051            | SAN No. 4866.1 NESHAP: Site Remediation Amendments—Response to Litigation .....   | 2060-AN36                    |
| 3052            | SAN No. 4910.1 NESHAP: Organic Liquid Distribution (Non-Gasoline); Amendments .....   | 2060-AN37                    |
| 3053            | SAN No. 5011 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed on or Before December 9, 2004 .....   | 2060-AN43                    |
| 3054            | SAN No. 5017 Protection of Stratospheric Ozone: Amending Requirements To Import Used Ozone-Depleting Substances for Destruction in the United States .....  | 2060-AN48                    |
| 3055            | SAN No. 5020 Action on Petition To List Diesel Exhaust as a Hazardous Air Pollutant .....   | 2060-AN49                    |
| 3056            | SAN No. 5052 Protection of Stratospheric Ozone: Ban on the Import of Pre-Charged Products .....   | 2060-AN58                    |
| 3057            | SAN No. 4752.1 Transition to New or Revised Particulate Matter (PM) National Ambient Air Quality Standards .....  | 2060-AN59                    |
| 3058            | SAN No. 5025 Revisions to the Definition of Potential to Emit (PTE) .....   | 2060-AN65                    |
| 3059            | SAN No. 5029 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule .....   | 2060-AN68                    |
| 3060            | SAN No. 5030 National Volatile Organic Compound Emission Standards for Aerosol Coatings .....   | 2060-AN69                    |
| 3061            | SAN No. 5035 New Source Performance Standards (NSPS): Equipment Leaks-Subparts VV & GGG .....   | 2060-AN71                    |
| 3062            | SAN No. 5036 Petroleum Refineries-New Source Performance Standards (NSPS)-Subpart J .....   | 2060-AN72                    |
| 3063            | SAN No. 5043 Defect Reporting for On-Highway Motor Vehicles and Engines .....   | 2060-AN73                    |
| 3064            | SAN No. 5045 Revision to Definition of Volatile Organic Compounds-Exclusion of Compounds .....  | 2060-AN75                    |

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

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

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

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3073            | SAN No. 4070 General Conformity Regulations; Revisions .....   | 2060-AH93                    |
| 3074            | SAN No. 3975 Review of New Sources and Modifications in Indian Country .....   | 2060-AH37                    |
| 3075            | SAN No. 4752 Clean Air Fine Particle Implementation Rule ( <b>Reg Plan Seq No. 117</b> ) .....   | 2060-AK74                    |
| 3076            | SAN No. 3380 NSPS: SOCMI—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60 .....   | 2060-AE94                    |
| 3077            | SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements (40 CFR 60, Appendix F, Procedure 3) .....  | 2060-AH23                    |
| 3078            | SAN No. 4585 Portland Cement Manufacturing Industry NESHAP: Amendment to Implement Court Remand .....  | 2060-AJ78                    |
| 3079            | SAN No. 4668 NESHAP: Halogenated Solvent Cleaning—Residual Risk Standards ( <b>Reg Plan Seq No. 115</b> ) .....  | 2060-AK22                    |
| 3080            | SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements .....   | 2060-AK54                    |
| 3081            | SAN No. 4659 NESHAP: Hazardous Organic NESHAP (HON) Residual Risk Standards ( <b>Reg Plan Seq No. 114</b> ) .....  | 2060-AK14                    |
| 3082            | SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline .....   | 2060-AJ82                    |
| 3083            | SAN No. 4748 Control of Hazardous Air Pollutants From Mobile Sources ( <b>Reg Plan Seq No. 116</b> ) .....   | 2060-AK70                    |
| 3084            | SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations .....  | 2060-AI03                    |
| 3085            | SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO <sub>2</sub> ) Area .....   | 2008-AA00                    |
| 3086            | SAN No. 5047 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Reconsideration of the Particulate Matter Standard) .....   | 2050-AG29                    |
| 3087            | SAN No. 5047.1 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration) .....  | 2050-AG35                    |
| 3088            | SAN No. 4632 Modification of Anti-Dumping Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska and the U.S. Territories .....   | 2060-AK02                    |
| 3089            | SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition .....   | 2060-AK69                    |
| 3090            | SAN No. 4793 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation and Project Netting ( <b>Reg Plan Seq No. 118</b> ) .....                               | 2060-AL75                    |
| 3091            | SAN No. 4809 Control of Emissions of Air Pollution from New Motor Vehicles: On-Board Diagnostic Requirements for Heavy-Duty Engines & Vehicles Above 14,000 Pounds & In-Use, Not-To-Exceed Emission Standard Testing ..... | 2060-AL92                    |
| 3092            | SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide .....   | 2060-AL94                    |
| 3093            | SAN No. 4830 Alternative Work Practice for Leak Detection and Repair .....   | 2060-AL98                    |
| 3094            | SAN No. 4875 NESHAP: Oil and Natural Gas Production Facilities-Area Source Rule .....  | 2060-AM16                    |
| 3095            | SAN No. 4866 NESHAP: Site Remediation: Amendments .....  | 2060-AM30                    |
| 3096            | SAN No. 4900 Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels .....   | 2060-AM46                    |
| 3097            | SAN No. 4918 Protection of Stratospheric Ozone: Listing of Substitutes in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program .....                                     | 2060-AM54                    |
| 3098            | SAN No. 3259.2 Nonattainment Major New Source Review (NSR): Final Rules .....  | 2060-AM59                    |
| 3099            | SAN No. 4757.1 Component Durability Procedures for New Light-Duty Vehicles, Light-Duty Trucks and Heavy-Duty Vehicles .....  | 2060-AN01                    |



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

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

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

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3126            | SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation .....  | 2009-AA00                    |
| 3127            | SAN No. 3569 Source-Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant .....   | 2009-AA01                    |
| 3128            | SAN No. 4607 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Availability of Information to the Public; Technical Amendment ..... | 2050-AE95                    |
| 3129            | SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand) .....  | 2060-AA61                    |

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

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

## CLEAN AIR ACT (CAA)—Completed Actions

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

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3168            | SAN No. 4661 NESHAP: National Emission Standards for Marine Tank Vessel Loading Operations-Residual Risk Standard .....   | 2060-AK17                    |
| 3169            | SAN No. 4662 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards .....  | 2060-AK18                    |
| 3170            | SAN No. 4665 NESHAP: Secondary Lead Smelting Residual Risk Standards .....  | 2060-AK19                    |
| 3171            | SAN No. 4666 NESHAP: Shipbuilding and Ship Repair Surface Coating—Residual Risk Standards .....   | 2060-AK20                    |
| 3172            | SAN No. 4667 NESHAP: Wood Furniture Manufacturing Operations—Residual Risk Standards .....  | 2060-AK21                    |
| 3173            | SAN No. 4669 NESHAP: Magnetic Tape Manufacturing Operations Residual Risk Standard .....  | 2060-AK23                    |
| 3174            | SAN No. 4664 NESHAP: Printing and Publishing Industry—Residual Risk Standards .....   | 2060-AK24                    |
| 3175            | SAN No. 4663 NESHAP: Petroleum Refineries—Residual Risk Standards .....   | 2060-AK25                    |
| 3176            | SAN No. 4750 National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks—Residual Risk Standards .....   | 2060-AK72                    |
| 3177            | SAN No. 4656 NESHAP: Group I Polymers and Resins—Residual Risk Standards .....  | 2060-AK12                    |
| 3178            | SAN No. 4658 NESHAP: Group IV Polymers and Resins—Residual Risk Standards .....   | 2060-AK15                    |
| 3179            | SAN No. 5018 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7) ( <b>Completion of a Section 610 Review</b> ) .....  | 2050-AG26                    |
| 3180            | SAN No. 5047.2 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Revising the Effective Date of the Particulate Matter Standard Amendment) .....                                      | 2050-AG33                    |
| 3181            | SAN No. 4421 Ambient Air Quality Monitoring Regulations: Revisions .....  | 2060-AJ25                    |
| 3182            | SAN No. 4570 Control of Air Pollution From Motor Vehicles and Engines: Alternative Low-Sulfur Highway Diesel Fuel Transition Program for Alaska .....   | 2060-AJ72                    |
| 3183            | SAN No. 4804 Protection of Stratospheric Ozone: Various Minor Amendments to the Regulations Implementing the Allowance System for Controlling HCFC Production, Import, and Export .....   | 2060-AL90                    |
| 3184            | SAN No. 4810 NESHAP: Ferroalloys Production: Ferromanganese and Silicomanganese Residual Risk Standards .....   | 2060-AL93                    |
| 3185            | SAN No. 4825 Mineral Wool Production Residual Risk Standard .....   | 2060-AL96                    |
| 3186            | SAN No. 4829 5-Year Review of MACT Standards for Large MWC .....  | 2060-AL97                    |
| 3187            | SAN No. 4831 NESHAP for Flexible Polyurethane Foam Production: Residual Risk Standards .....  | 2060-AL99                    |
| 3188            | SAN No. 4832 NESHAP: Pharmaceuticals Production: Residual Risk Standards .....  | 2060-AM00                    |
| 3189            | SAN No. 4861 NESHAP: Area Source Standards—Paint Stripping .....  | 2060-AM07                    |
| 3190            | SAN No. 4860 NESHAP: Area Source Standards—Acrylic/ Modacrylic Fiber (AMF) Production .....   | 2060-AM13                    |
| 3191            | SAN No. 4851 Protection of Stratospheric Ozone: Restriction on the Sales of Pre-Charged Split Systems .....   | 2060-AM15                    |
| 3192            | SAN No. 4847 NESHAP: Oil and Natural Gas Production Residual Risk Standards .....   | 2060-AM18                    |
| 3193            | SAN No. 4854 Amendments to Vehicle Inspection and Maintenance Program Requirements to Address New 8-Hour Ozone Standard .....   | 2060-AM21                    |
| 3194            | SAN No. 4848 NESHAP: Total Facility Low Risk Determination (TFLRD) for Residual Risk .....  | 2060-AM22                    |
| 3195            | SAN No. 4857 Fire Suppression and Explosion Protection Listing Under SNAP .....   | 2060-AM24                    |
| 3196            | SAN No. 4867 NESHAP: Hydrochloric Acid Production Amendments .....  | 2060-AM25                    |
| 3197            | SAN No. 4853 Requirements for Transmix Processing and Blending Under the Reformulated Gasoline and Gasoline Sulfur Rules .....  | 2060-AM27                    |
| 3198            | SAN No. 4880 Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Amendments to Evaporative Emissions Regulations and Technical Amendments .....   | 2060-AM32                    |
| 3199            | SAN No. 4881 Prevention of Significant Deterioration for Nitrogen Oxides .....  | 2060-AM33                    |
| 3200            | SAN No. 4891 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing; Amendments .....   | 2060-AM43                    |
| 3201            | SAN No. 4905 National Volatile Organic Compound Emission Standards for Architectural Coatings—Amendments .....  | 2060-AM47                    |
| 3202            | SAN No. 4899 Control of Ultra Low Sulfur Diesel Fuel Lubricity: Notice of Proposed Rulemaking .....   | 2060-AM48                    |
| 3203            | SAN No. 4887 Area Source NESHAP for Primary Nonferrous Metals—Zn, Cd, Be .....  | 2060-AM69                    |
| 3204            | SAN No. 4909 NESHAP: Integrated Iron and Steel; Amendments .....  | 2060-AM76                    |
| 3205            | SAN No. 4910 NESHAP: Organic Liquid Distribution-Amendments .....   | 2060-AM77                    |
| 3206            | SAN No. 4914 Standards of Performance for Stationary Compression Ignition Internal Combustion Engines .....   | 2060-AM82                    |
| 3207            | SAN No. 4930 Regulation of Fuels and Fuel Additives: Refiner and Importer Quality Assurance Requirements for Downstream Oxygenate Blending .....  | 2060-AM88                    |
| 3208            | SAN No. 4934 Part 63 General Provisions—Response to Petition to Reconsider SSM .....  | 2060-AM89                    |
| 3209            | SAN No. 4937 NESHAP for Refractory Products Manufacturing—Amendments .....  | 2060-AM90                    |
| 3210            | SAN No. 4794.1 Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule .....  | 2060-AM95                    |
| 3211            | SAN No. 4956 Rule on Section 126 Petition From NC To Reduce Interstate Transport of Fine PM and O <sub>3</sub> ; FIPs To Reduce Interstate Transport of Fine PM & O <sub>3</sub> ; Revisions to CAIR Rule; Revisions to Acid Rain Program ..... | 2060-AM99                    |
| 3212            | SAN No. 4955 NESHAP: Plastic Parts and Products (Surface Coating)—Area Source Rule .....  | 2060-AN08                    |
| 3213            | Regional Haze Regulations; Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations .....  | 2060-AN22                    |

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

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

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

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

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3226            | SAN No. 4964 Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada ( <b>Reg Plan Seq No. 120</b> ) ..... | 2060-AN15                    |

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

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

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

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

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

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

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

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

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

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

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

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)—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3240            | SAN No. 4027 Pesticides; Tolerance Processing Fees .....   | 2070-AJ23                    |
| 3241            | SAN No. 4611 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants .....              | 2070-AD55                    |
| 3242            | SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant   | 2070-AD56                    |
| 3243            | SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations ..... | 2020-AA44                    |
| 3244            | SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products .....  | 2070-AD14                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3245            | SAN No. 4175 Pesticide Tolerance Reassessment Program .....  | 2070-AD24                    |
| 3246            | SAN No. 2659 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment ..... | 2070-AB95                    |
| 3247            | SAN No. 4170 Pesticides; Procedures for the Registration Review Program .....                            | 2070-AD29                    |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3291            | SAN No. 4753 Emergency Planning and Community Right-to-Know Act: Modification to the Threshold Planning Quantity Methodology for the Extremely Hazardous Substances That are Solids in Solution. .... | 2050-AF08                    |
| 3292            | SAN No. 2425.4 TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory .....                                       | 2025-AA16                    |
| 3293            | SAN No. 2425.3 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals .....   | 2025-AA19                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3294            | SAN No. 4692 Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin-like Compounds Category Under EPCRA, Section 313 ..... | 2025-AA12                    |
| 3295            | SAN No. 4896 Toxics Release Inventory Reporting Burden Reduction Rule ( <b>Reg Plan Seq No. 134</b> ) .....  | 2025-AA14                    |

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

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

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

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

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

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

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

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)—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3302            | SAN No. 3856 Management of Cement Kiln Dust (CKD) .....  | 2050-AE34                    |
| 3303            | SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes .....   | 2050-AE51                    |
| 3304            | SAN No. 4743 Land Disposal Restrictions: Modifying the Land Disposal Treatment Standard for Radioactive Lead Solids and Hazardous Debris; Definition of Macroencapsulation .....   | 2050-AF12                    |
| 3305            | SAN No. 4834 Hazardous Waste Management System: Identification and Listing of Hazardous Waste (F019 Listing Amendment in Wastewater Treatment Sludges From Zinc Phosphating Processes in Automotive Assembly Plants) ..... | 2050-AG15                    |
| 3306            | SAN No. 4977 Expanding the Comparable Fuels Exclusion under RCRA ( <b>Reg Plan Seq No. 112</b> ) .....   | 2050-AG24                    |
| 3307            | SAN No. 4670.1 Definition of Solid Wastes Revisions ( <b>Reg Plan Seq No. 113</b> ) .....  | 2050-AG31                    |
| 3308            | SAN No. 5070 Revisions to Land Disposal Restrictions Treatment Standards and Amendments to Recycling Requirements for Spent Petroleum Refining Hydrotreating and Hydrorefining Catalysts .....                             | 2050-AG34                    |
| 3309            | SAN No. 4565 Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York .....   | 2090-AA29                    |
| 3310            | SAN No. 4828 RCRA Incentives for Performance Track Members .....   | 2090-AA34                    |

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

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

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3315            | SAN No. 4469 Standards for the Management of Coal Combustion Wastes—Non—Power Producers and Minefilling .....  | 2050-AE83                    |
| 3316            | SAN No. 4735 RCRA Smarter Waste Reporting .....  | 2050-AF01                    |
| 3317            | SAN No. 4701 E-Cycling Pilot Project for Region 3 States (ECOS); Streamlining RCRA Regulations To Encourage Reuse, Recycling, and Recovery of Electronic Equipment ..... | 2003-AA00                    |
| 3318            | SAN No. 4606 Revisions for Transboundary Shipments of Hazardous Waste for Recovery Within the Organization for Economic Cooperation and Development .....                | 2050-AE93                    |
| 3319            | SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision) .....  | 2050-AC71                    |
| 3320            | SAN No. 4778 Revisions of the Lead-Acid Battery Export Notification and Consent Requirements .....   | 2050-AF06                    |
| 3321            | SAN No. 4920 Rulemaking To Streamline Laboratory Waste Management in Academic and Research Laboratories .....  | 2050-AG18                    |

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

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



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

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

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

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

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

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3328            | SAN No. 2634.3 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Requirements—Amendments ( <b>Reg Plan Seq No. 129</b> ) ..... | 2050-AG23                    |

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

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

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

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3330            | SAN No. 4177 Revise 40 CFR Part 35 Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Actions ..... | 2050-AE62                    |

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

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

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3333            | SAN No. 3423 Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste (K178) ..... | 2050-AE12                    |
| 3334            | SAN No. 4736 Administrative Reporting Exemption for Certain Air Releases of NOx .....   | 2050-AF02                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3335            | SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces-Phase II .....  | 2040-AD39                    |
| 3336            | SAN No. 3999 NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities .... | 2040-AD02                    |
| 3337            | SAN No. 3663.1 Availability of and Procedures for Removal Credits .....   | 2040-AE88                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3338            | SAN No. 4540 Test Procedures: New and Updated Test Procedures for the Analysis of Pollutants Under the Clean Water Act and Safe Drinking Water Act .....  | 2040-AD71                    |
| 3339            | SAN No. 4690 National Pollutant Discharge Elimination System Permit Requirements for Peak Wet Weather Discharges from Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy ( <b>Reg Plan Seq No. 130</b> ) ..... | 2040-AD87                    |
| 3340            | SAN No. 4950 Test Procedures for the Analysis of E. coli, Enterococci, Fecal Coliforms, and Salmonella Under the Clean Water Act .....  | 2040-AE68                    |
| 3341            | SAN No. 4965 2006 Effluent Guidelines Program Plan .....  | 2040-AE76                    |
| 3342            | SAN No. 4995 Rulemaking on Direct Application of Pesticides to Waters of the United States in Compliance with FIFRA .....   | 2040-AE79                    |
| 3343            | SAN No. 4996 Concentrated Animal Feeding Operation Rule ( <b>Reg Plan Seq No. 131</b> ) .....   | 2040-AE80                    |
| 3344            | SAN No. 5040 Water Transfers Rule ( <b>Reg Plan Seq No. 132</b> ) .....   | 2040-AE86                    |
| 3345            | SAN No. 5098 Implementation Guidance for Mercury Water Quality Criteria ( <b>Reg Plan Seq No. 133</b> ) .....   | 2040-AE87                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3346            | SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements .....                             | 2050-AE87                    |
| 3347            | SAN No. 4370 Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Point Source Category, Dissolving Kraft and Dissolving Sulfite Subcategories (Phase III) ..... | 2040-AD49                    |
| 3348            | SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act .....   | 2040-AC75                    |
| 3349            | SAN No. 3714 Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring .....   | 2040-AC92                    |
| 3350            | SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures .....                                       | 2040-AC93                    |
| 3351            | SAN No. 4049 Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act .....                            | 2040-AD09                    |
| 3352            | SAN No. 3786 NPDES Applications Revisions .....   | 2040-AC84                    |
| 3353            | SAN No. 4746 Regulations for Gray and Black Water Discharges from Cruise Ships Operating in Certain Alaskan Waters .....  | 2040-AD89                    |
| 3354            | SAN No. 4822 Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines .....   | 2040-AE61                    |
| 3355            | SAN No. 4948 Effluent Limitations Guidelines and Standards for Airport Deicing Operations .....   | 2040-AE69                    |
| 3356            | SAN No. 4949 Effluent Limitations Guidelines and Standards for Drinking Water Supply and Treatment .....  | 2040-AE74                    |
| 3357            | SAN No. 4967 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters .....  | 2040-AE77                    |
| 3358            | SAN No. 4980 Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process .....   | 2040-AE82                    |
| 3359            | SAN No. 5064 2008 Effluent Guidelines Program Plan .....  | 2040-AE89                    |

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## CLEAN WATER ACT (CWA)—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3360            | SAN No. 4543 Minimizing Adverse Environmental Impact from Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 3 .....         | 2040-AD70                    |
| 3361            | SAN No. 4979 Amendments to NPDES Regulations for Storm Water Discharges from Oil/Gas Exploration, Production, Processing, or Treatment Operations, or Transmission Facilities ..... | 2040-AE81                    |

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

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

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

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

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

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

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

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

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

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

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## General

**3003. PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT AND ASSESSING THE ENVIRONMENTAL EFFECTS ABROAD OF EPA ACTIONS****Priority:** Other Significant**Legal Authority:** 42 USC 4321**CFR Citation:** 40 CFR 6**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Tribal**Additional Information:** SAN No. 4292;

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**RIN:** 2020-AA42**3004. REVISIONS TO ACQUISITION REGULATION CONCERNING CONFLICT OF INTEREST****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4319;

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

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**RIN:** 2030-AA67**3005. SECURITY REQUIREMENTS FOR TOXIC SUBSTANCES CONTROL ACT CONFIDENTIAL BUSINESS INFORMATION ACCESS FOR CONTRACTORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301 Sec 205 (c); 63 Stat. 390, as amended; 40 USC 486 (c); 41 USC 418b**CFR Citation:** 48 CFR 1552; 48 CFR 1535**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/07 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4904;

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**RIN:** 2030-AA88**3006. AWARD TERM CONTRACTING****Priority:** Info./Admin./Other**Legal Authority:** 41 USC 418(b); 5 USC 301, sec 205(c); 63 Stat 390, as amended

## EPA—General

## Proposed Rule Stage

**CFR Citation:** 48 CFR 1516; 48 CFR 1552

**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency (EPA) is proposing to amend the EPA Acquisition Regulation (EPAAR) to add guidance on the use of award-term contracts. The guidance is necessary for contracting officers seeking to include award-term provisions in contracts. This guidance will establish a solicitation provision and contract clause in the EPAAR.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 10/00/07 |         |
| Final Action | 01/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 2030-AA89

**3007. ACCESSIBILITY STANDARDS FOR CONTRACT DELIVERABLES (SECTION 508)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 1511; 48 CFR 1552

**Legal Deadline:** None

**Abstract:** This action will amend the Environmental Protection Agency Acquisition Regulation (EPAAR) to

require contractors to identify applicable accessibility (508) standards in contract deliverables.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 03/00/07 |         |
| Final Action | 09/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 2030-AA90

## Environmental Protection Agency (EPA)

## Final Rule Stage

## General

**3008. INCORPORATION OF CLASS DEVIATIONS INTO EPAAR**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 1537; 48 CFR 1552

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 2030-AA37

**3009. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 33

**Legal Deadline:** None

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

action programs. They include: (1) Placing greater emphasis on requiring assistance agreement recipients to submit documentation supporting proposed fair share procurement objectives for Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) based on the availability of qualified MBEs and WBEs in the relevant geographic market; (2) authorizing or requiring recipients and their prime contractors to take reasonable race/gender-conscious measures (e.g., bidding credits) in the event that race/gender-neutral efforts prove inadequate to meet fair share objectives; and (3) administering statutory MBE/WBE objectives as a national goal, allowing smaller or larger fair share objectives for particular grants or cooperative agreements based on the availability standard.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 07/24/03 | 68 FR 43824 |
| Final Action | 04/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

## EPA—General

## Final Rule Stage

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

**Additional Information:** SAN No. 4056;

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**RIN:** 2020-AA39

### 3010. ● IMPLEMENTATION OF 2 CFR PART 180

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

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

**CFR Citation:** 2 CFR 1532

**Legal Deadline:** Final, Statutory, February 2007.

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

#### Timetable:

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 01/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5092

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**RIN:** 2030-AA94

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

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

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The U.S. Environmental Protection Agency (EPA) has entered into an XL (eXcellence and Leadership) Final Project Agreement (FPA) with the National Aeronautics and Space Administration (NASA) White Sands Test Facility (WSTF) in Las Cruces, NM to implement a project that would modify reporting requirements under the Resource Conservation and Recovery Act (RCRA), the Safe Drinking Water Act (SDWA), Clean Water Act (CWA) and the Clean Air Act (CAA). The purpose of this NASA WSTF Electronic Reporting site-specific rule is to enable the NASA WSTF to

electronically submit compliance reports and permit information to the New Mexico Environment Department (NMED) in lieu of submitting paper reports. The rule will set forth guidelines to ensure that the information submitted by NASA WSTF to NMED is accurate by outlining procedures for data authentication, use of electronic signature and encryption processes. This rule will address Phases I and II of the project covering reporting requirements under RCRA and the SDWA. A second and subsequent rule will address Phases III-VI of the project covering additional reporting requirements under the CWA and CAA.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4536;

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**RIN:** 2090-AA27

## Environmental Protection Agency (EPA)

## Long-Term Actions

### General

### 3012. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2005; 15 USC 2601 et seq; 21 USC 346; 33 USC 1251 et seq; 33 USC 1414; 42 USC 11001 et seq; 42 USC 300(f) et seq; 42 USC

4912; 42 USC 6901 et seq; 42 USC 7401 et seq; 42 USC 9601 et seq; 5 USC 552; 7 USC 136 et seq

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

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

**Abstract:** EPA regulations at 40 CFR part 2, subpart B, provide procedures for handling and disclosing information claimed as confidential business

## EPA—General

## Long-Term Actions

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3240; EPA publication information: NPRM 1-Withdrawn 12/21/2000, 65 FR 80395;

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**RIN:** 2025-AA02

## Environmental Protection Agency (EPA)

## Completed Actions

## General

**3013. IMPLEMENTATION OF AUTHORITY TO APPOINT RESEARCH SCIENTISTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 18**Completed:**

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

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

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**RIN:** 2030-AA91**3014. SIMPLIFIED ACQUISITION FINANCING****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 1532; 40 CFR 1552**Completed:**

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

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

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**RIN:** 2030-AA92**3015. PROJECT XL SITE SPECIFIC RULEMAKING FOR THE NASA WHITE SANDS TEST FACILITY IN LAS CRUCES, NEW MEXICO (PHASES III-VI)****Priority:** Info./Admin./Other**CFR Citation:** Not Yet Determined**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/25/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Agency Contact:** Adam Levitan

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**RIN:** 2090-AA35

## Environmental Protection Agency (EPA)

## Prerule Stage

## Clean Air Act (CAA)

**3016. • RISK AND TECHNOLOGY REVIEW PHASE II****Priority:** Other Significant**Legal Authority:** CAA Sections 112(f)(2), 112(d)(6)**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** EPA is required to evaluate the risk remaining at facilities 8 years after they are required to comply with

MACT air-toxic emission standards according to Section 112 (f)(2) of the Clean Air Act (CAA). EPA is also required to review and revise the MACT standards if needed every 8 years with regard to practices,

## EPA—Clean Air Act (CAA)

Prerule Stage

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

source categories where additional standards are needed to provide an ample margin of safety, a low risk exemption would be provided and EPA would use an analysis to identify low risk source characteristics that would exempt a portion of the source category from additional requirements. Site-specific risk assessments could also be used to show low risk. A total facility low risk determination (TFLRD) will be presented as a voluntary approach where a facility can perform a site specific risk assessment to determine if it is low risk. Low risk facilities would satisfy all of their residual risk requirements by demonstrating compliance with the TFLRD approach.

The 33 MACT source categories are listed below.

1. Chromium Electroplating
2. Polymers & Resins II
3. Secondary Lead Smelters
4. Petroleum Refineries
5. Aerospace
6. Marine Vessels
7. Wood Furniture
8. Shipbuilding
9. Printing & Publishing
10. Off-site Waste Treatment
11. Polymers & Resins I
12. Polymers & Resins IV
13. Primary Aluminum
14. Pulp & Paper MACT I and III
15. Pharmaceuticals
16. Flexible Polyurethane Foam
17. Ferroalloys
18. Polyether Polyols
19. Mineral Wool
20. Primary Lead Smelting
21. Phosphoric Acid
22. Phosphate Fertilizers
23. Wool Fiberglass
24. Portland Cement

25. Oil & Natural Gas
26. Natural Gas Transmission
27. Steel Pickling
28. GMACT I Acetal Resins
29. GMACT II Acrylic/Modacrylic fibers
30. GMACT III Hydrogen Fluoride
31. GMACT IV Polycarbonates
32. POTW
33. Secondary Aluminum

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5093;

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

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**RIN:** 2060-AN85



**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)**
**Proposed Rule Stage**
**3017. AMENDMENT TO SUBPARTS H AND I FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 61

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4768;

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**RIN:** 2060–AK81

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

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

**RIN:** 2060–AI43

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA 211

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 2060–AJ61

**3020. AMENDMENTS TO METHOD 24 (WATER-BASED COATINGS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 60

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

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 06/00/07 |         |
| Final Action | 06/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3649;

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**RIN:** 2060–AF72

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3021. NESHAP: GROUP I POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS—AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63.480–63.506 (Revision); 40 CFR 63.1310–63.1335 (Revision)**Legal Deadline:** None

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

**Timetable:**

| Action                           | Date     | FR Cite     |
|----------------------------------|----------|-------------|
| ANPRM                            | 11/25/96 | 61 FR 59849 |
| Direct Final—Pet Jud Rev         | 03/09/99 | 64 FR 11536 |
| NPRM—Pet Jud Rev                 | 03/09/99 | 64 FR 11555 |
| Direct Final—Comp Ext            | 05/07/99 | 64 FR 24511 |
| Direct Final—Pet Rec Equip Leaks | 06/08/99 | 64 FR 30406 |
| NPRM 2                           | 06/08/99 | 64 FR 30453 |
| NPRM 3                           | 06/08/99 | 64 FR 30456 |
| Direct Final—Stay Notice         | 06/30/99 | 64 FR 35023 |
| NPRM—Stay Notice                 | 06/30/99 | 64 FR 35107 |
| Direct Final00                   | 08/29/00 | 65 FR 52319 |
| NPRM00                           | 08/29/00 | 65 FR 52392 |
| Direct Final 4                   | 10/26/00 | 65 FR 64161 |

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Final Action01     | 02/23/01 | 66 FR 11233 |
| Direct Final Comp. | 02/26/01 | 66 FR 11543 |
| NPRM Compliance01  | 02/26/01 | 66 FR 1550  |
| Final 1            | 07/16/01 | 66 FR 36924 |
| Final 2            | 08/06/01 | 66 FR 40903 |
| NPRM               | 10/00/07 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3939; EPA publication information: ANPRM-Petitions for Jud. Rev-Dow, UCC, Exxon)**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing**Agency Contact:** Randy McDonald, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27709

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**RIN:** 2060–AH47**3022. PETITION TO DELIST HAZARDOUS AIR POLLUTANT: 4,4'-METHYLENE DIPHENYL DIISOCYANATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health problems. The law allows EPA to consider petitions to modify the list, by adding or removing substances. Individuals seeking to remove a substance must demonstrate that there are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment. The

Agency received a petition to remove 4,4'-Methylene Diphenyl Diisocyanate (MDI) from the American Chemistry Council on December 26, 2002. Once EPA receives a petition, it conducts two reviews: A completeness review, to determine whether there is sufficient information on which to base a decision; and a technical review, to evaluate the merits of the petition. The EPA also requests and considers information from the public. After a comprehensive technical review of both the petition and the information received from the public to determine whether the petition satisfies the requirements of the CAA, the review team is required to make a recommendation to the Administrator on whether to grant the petition. If the Administrator decides to grant a petition, a proposed rule is published in the Federal Register which proposes a modification of the HAP list and presents the reasoning for doing so. The proposed rule is open to public comment and public hearing and all additional substantive information received during the public's involvement is evaluated prior to the decision on the issuance of a final rule. However, if the Administrator decides to deny a petition, a notice setting forth an explanation of the reasons for denial is published instead. A notice of denial constitutes final Agency action of nationwide scope and applicability, and is subject to judicial review as provided in the CAA.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4782;**Agency Contact:** Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, Research Triangle Park, NC 27709

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AK84

### 3023. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7511b

**CFR Citation:** 40 CFR 59

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

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

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

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RIN: 2060-AI62

### 3024. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES: N-PROPYL BROMIDE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** This rule would list whether n-propylbromide (nPB) is an acceptable substitute for class I and class II ozone depleting substances used as solvents for general metals, precision, and electronics cleaning, as well as in aerosol solvent and adhesives end uses. This could provide another alternative to solvents with higher ozone depletion potential that industry is interested in using. Provisions in this rule could include specific conditions on the use of nPB as a solvent, such as limiting the specific applications in which it may be used to those with low emissions and requiring exposure limits consistent with industry practices. Any conditions would be for the purpose of ensuring that nPB is used in a manner that is safe and environmentally protective. OSHA does not currently regulate nPB. If EPA establishes any use conditions in a final rule, we would revise our ruling to adopt whatever OSHA requires if OSHA later regulates the use of nPB.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**URL For More Information:** [www.epa.gov/ozone/title6](http://www.epa.gov/ozone/title6)

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RIN: 2060-AK26

### 3025. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/07 |         |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4584;

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

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**RIN:** 2060-AJ86

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: None

**Abstract:** Transportation fuels (like gasoline and diesel fuel) are regulated by EPA under the Clean Air Act to control the emissions that result when they are burned in engines, and also to protect engines' emission control equipment. Fuels regulations require measurement of various of the fuels' properties, and prescribe "designated" analytical methods for that purpose. This regulation is intended to provide a way for regulated parties to self-qualify alternatives to the designated measurement methods that may be cheaper, quicker, simpler, more amenable to automation, or otherwise preferable. The regulation will also prescribe a minimum level of statistical

quality control for all fuels test methods, designated or alternative. The regulations should quicken the adoption of new measurement technologies by removing the need for multiple method-specific rule-makings, but to do so in a way that will not degrade the performance of the overall measurement system. Introduction of statistical quality control for all methods should improve measurement precision and accuracy in actual practice across all methods.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4633;

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

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**RIN:** 2060-AK03

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

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

**RIN:** 2060-AM06

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

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

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 82, subpart F

Legal Deadline: None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4856;

**URL For More Information:**  
[www.epa.gov/ozone/title6/608](http://www.epa.gov/ozone/title6/608)

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**RIN:** 2060-AM09

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3029. NESHAP: AREA SOURCE STANDARDS—ETHYLENE OXIDE HOSPITAL STERILIZATION****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 30, 2000.

NPRM, Judicial, October 31, 2006, Consent decree.

Final, Judicial, December 20, 2007, Consent decree.

**Abstract:** The Clean Air Act requires that EPA list area source categories that contribute to the emissions of 30 listed urban HAPs, and that are, or will be, subject to standards under section 112 of the Act. Sterilization processes use ethylene oxide which is one of the 30 listed HAPs. Hospital sterilization, a listed area source category, is a major contributor of ethylene oxide emissions in urban areas.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4859;

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**RIN:** 2060-AM14**3030. CONTROL OF EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES AND EQUIPMENT**

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

**RIN:** 2060-AM34**3031. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS**

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

**Unfunded Mandates:** Undetermined**Legal Authority:** Clean Air Act Section 112**CFR Citation:** 40 CFR Part 63**Legal Deadline:** Final, Statutory, November 30, 2000.

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

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/07 |         |

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4884;

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**RIN:** 2060-AM44**3032. FLEXIBLE AIR PERMIT RULE****Priority:** Other Significant**Legal Authority:** Clean Air Act Title V**CFR Citation:** 40 CFR 70**Legal Deadline:** None

**Abstract:** EPA is conducting a flexible permits rulemaking based on what it has learned from its field experiences. The term "flexible permit" is used to describe air permits with conditions designed to reduce the administrative "friction"—costs, time, delay, uncertainty, and risk—experienced by sources and permitting authorities when implementing a permit or making changes under the permit. This is typically accomplished by authorizing a source to make certain types of changes (e.g., additional equipment and/or modifications to a source's method of operation, equipment, raw materials, emission factors, or monitoring parameters) without requiring further review and/or approval provided the source meets specific criteria outlined in its permit. While the chosen solution will depend on individual State permitting rules and requirements, such techniques typically include descriptions of changes or categories of changes authorized to occur under the approved permit terms, one or more emissions caps to safeguard NAAQS and/or to assure certain requirements are not applicable, procedures for testing pollution control device performance and updating emissions factors or parameter values without requiring the permit to be amended or re-opened, streamlining of redundant requirements by applying the most stringent applicable requirement, and provisions to encourage pollution prevention. Flexible permitting has the potential to benefit a wide variety of types of facilities that are regulated under the CAA's Title V operating permits program. Among the benefits flexible permits are anticipated to provide are: Improved knowledge of a facility's emissions for the entire site; improved public understanding of a facility's

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

activities over an extended period of time; increased certainty and flexibility to make changes in response to the market; and no less environmental protection (i.e., often more occurs from the use of emissions caps and the increased use of pollution prevention practices).

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 01/00/07 |         |
| Final Action | 10/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4885

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**RIN:** 2060-AM45

**3033. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; CERTIFICATION OF RECOVERY AND RECOVERY/RECYCLING EQUIPMENT INTENDED FOR USE WITH SUBSTITUTE REFRIGERANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** 00 CFR 00

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4916;

**URL For More Information:**

www.epa.gov/ozone/title6/608

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**RIN:** 2060-AM49

**3034. NESHAP: AREA SOURCE STANDARDS—CLAY CERAMICS INDUSTRY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR Part 63

**Legal Deadline:** None

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 04/00/07 |         |
| Final Action | 12/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4906;

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**RIN:** 2060-AM53

**3035. PROTECTION OF STRATOSPHERIC OZONE: MODIFICATIONS TO THE TECHNICIAN CERTIFICATION REQUIREMENTS UNDER SECTION 608 OF THE CLEAN AIR ACT**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 03/00/07 |         |
| Final Action | 07/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4901;

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**RIN:** 2060-AM55

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

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 60; 40 CFR 61

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 2060-AM63

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

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

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**RIN:** 2060-AM71

**3038. NESHAP: GASOLINE DISTRIBUTION AREA SOURCE STANDARDS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** The Clean Air Act (CAA) includes two provisions—sections 112(c)(3) and 112(k)(3)(B)(ii)—that instruct us to identify and list source categories that contribute to the emissions of the 30 “listed” (or area source) Hazardous Air Pollutants (HAP), and that are, or will be, subject to standards under section 112 of the CAA. EPA listed “Gasoline Distribution Stage I” as a new area source category in the Integrated Urban Strategy for National Air Toxics Program (July 19, 1999, 40 FR 38706). Further, we agreed under a 2003 consent agreement to propose a rule for this area source category on or before October 31, 2006, and promulgate a final rule by December 20, 2007. No definitions are published for “Gasoline Distribution Area Sources”. However, it is generally understood to include gasoline storage and transfer operations as gasoline is moved from the production refinery process units to and including the gasoline station storage tank. Vehicle refueling operations has been separated when this source category was listed since it is currently regulated under CAA sections 182(b)(3) and 202(a)(6). Area sources emit or have a potential to emit less than 10 tons per year of any single HAP or less than 25 tons per year of total HAP. The higher emitting sources (major sources) in this industry are already regulated (40 CFR 63, subpart R) under CAA section 112 national emission standards.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 11/09/06 | 71 FR 66064 |
| NPRM Comment Period End | 01/08/07 |             |
| Final Action            | 01/00/08 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Additional Information:** SAN No. 4907

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**RIN:** 2060-AM74

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63.1

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

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**RIN:** 2060-AM75

### 3040. NESHAP: DEFENSE LAND SYSTEMS AND MISCELLANEOUS EQUIPMENT

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This regulation will control emissions of hazardous air pollutants (HAP) from surface coating operations performed on-site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any such state) or the National Aeronautics and Space Administration and the surface coating of military munitions manufactured by or for the Armed Forces of the United States (including the Coast Guard and the National Guard of any such state). Aerospace and shipbuilding surface coating operations at these installations were originally covered by the already-promulgated MACT standards for aerospace manufacturing and rework and shipbuilding and ship repair. However, other recently promulgated surface coating MACT standards were also expected to address other surface coating operations at these installations (e.g., miscellaneous metal parts and products, plastic parts, and products, etc.). Following proposal of these standards, EPA received comments indicating that a separate standard for defense operations is a better approach. Accordingly, this rulemaking will address all surface coating activities at these installations which do not meet the applicability criteria of either the Aerospace Manufacturing and Rework or Shipbuilding and Ship Repair MACT standards.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4926;

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**RIN:** 2060-AM84

### 3041. NESHAP: IRON AND STEEL FOUNDRIES; AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 4927; EPA publication information: Final Action 1 -

<http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-20/a9592.htm>;

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AM85

### 3042. NESHAP: TACONITE IRON ORE PROCESSING; AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

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RIN: 2060-AM87

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 51 and 52

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4940;

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RIN: 2060-AM91

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

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

RIN: 2060-AN00

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 63 subpart IIII

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4958;

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RIN: 2060-AN10

### 3046. RESPONSE TO PETITION OF RECONSIDERATION FOR FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR GEORGIA FOR PURPOSES OF REDUCING OZONE INTERSTATE TRANSPORT

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

## EPA—Clean Air Act (CAA)

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4960;

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**RIN:** 2060-AN12**3047. NESHAP: AUTOBODY REFINISHING – AREA SOURCE RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act Sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 4978;

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**RIN:** 2060-AN21**3048. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE****Regulatory Plan:** This entry is Seq. No. 104 in part II of this issue of the **Federal Register**.**RIN:** 2060-AN24**3049. PREVENTION OF SIGNIFICANT DETERIORATION, NONATTAINMENT NEW SOURCE REVIEW, AND NEW SOURCE PERFORMANCE STANDARDS: EMISSIONS TEST FOR ELECTRIC GENERATING UNITS****Regulatory Plan:** This entry is Seq. No. 105 in part II of this issue of the **Federal Register**.**RIN:** 2060-AN28**3050. PROTECTION OF STRATOSPHERIC OZONE: REVISION TO LISTING OF CARBON DIOXIDE TOTAL FLOODING FIRE EXTINGUISHING SYSTEMS RESTRICTING USE TO ONLY UNOCCUPIED AREAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4991;**Agency Contact:** Bella Maranion, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AN30**3051. NESHAP: SITE REMEDIATION AMENDMENTS—RESPONSE TO LITIGATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63 subpart GGGGG**Legal Deadline:** None

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

increasing the compliance costs of the final rule by up to \$7.7 million.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4866.1; Split from RIN 2060-AM30.; EPA Docket information: OAR-2002-0021**Agency Contact:** Greg Nizich, Environmental Protection Agency, Air and Radiation, E142-01, Research Triangle Park, NC 27709

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**RIN:** 2060-AN36**3052. NESHAP: ORGANIC LIQUID DISTRIBUTION (NON-GASOLINE); AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act Sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Judicial, October 31, 2006.

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4910.1; Split from RIN 2060-AM77.**Agency Contact:** Brenda Shine, Environmental Protection Agency, Airand Radiation, C439-03, Research Triangle Park, NC 27711  
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Phone: 919 541-5395  
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**Abstract:** In this OSWI Federal plan rulemaking, EPA becomes an implementing authority in those instances where the State or local agency has failed to submit a plan or a plan has not yet been approved. Therefore, consistent with section 129(b)(3) of the Act, this rulemaking would impose a Federal plan that applies to OSWI in any State, tribe, or locale that has not submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the December 2005 rule, and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal plan as a gap-filling measure until the State fulfills its statutory obligations. When the State submits an approvable State plan, the Federal plan will no longer apply to units in that State.

**Timetable:**

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

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

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

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**RIN:** 2060-AN43

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 5017

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**RIN:** 2060-AN48

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 2060-AN49

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5052;

**URL For More Information:** [www.epa.gov/ozone/title6](http://www.epa.gov/ozone/title6)

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**RIN:** 2060-AN58

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

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

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**RIN:** 2060-AN59

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5025;

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**RIN:** 2060-AN65

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

**Priority:** Other Significant

**Legal Authority:** 23 USC 1121

**CFR Citation:** 40 CFR 86

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

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 5029;

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**RIN:** 2060-AN68

**3060. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR AEROSOL COATINGS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7511b

**CFR Citation:** 40 CFR 59 subpart E

**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5030;

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**RIN:** 2060-AN69**3061. NEW SOURCE PERFORMANCE STANDARDS (NSPS): EQUIPMENT LEAKS-SUBPARTS VV & GGG****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60

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

Final, Statutory, October 31, 2007, Settlement Agreement.

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 5035;

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**RIN:** 2060-AN71**3062. PETROLEUM REFINERIES-NEW SOURCE PERFORMANCE STANDARDS (NSPS)-SUBPART J****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5036

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**RIN:** 2060-AN72**3063. DEFECT REPORTING FOR ON-HIGHWAY MOTOR VEHICLES AND ENGINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5043;

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**RIN:** 2060-AN73

### 3064. REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF COMPOUNDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA

**CFR Citation:** 40 CFR 51.100

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 5045;

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**RIN:** 2060-AN75

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA title III

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 10/19/06 | 71 FR 61701 |
| NPRM Comment<br>Period End | 12/04/06 |             |
| Final Action               | 07/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5055;

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**RIN:** 2060-AN80

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5056;

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AN81

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7506

**CFR Citation:** 40 CFR 93; 40 CFR 51.390

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

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

**Timetable:**

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

### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5057;

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RIN: 2060-AN82

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

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

RIN: 2060-AN83

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/07 |         |

### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5076;

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RIN: 2060-AN88

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA 111

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/07 |         |

### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5089;

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AN97

### 3071. • CLEAN AIR MERCURY RULE: FEDERAL PLAN

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

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

**Legal Authority:** CAA Section 111

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

#### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/07 |         |

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

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

**Additional Information:** SAN No. 5094;

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RIN: 2060-AN98

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

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51; 40 CFR 81

**Legal Deadline:** Final, Judicial, December 15, 2006.

Other, Statutory, EPA is trying to expedite the OMB review on the proposal because we have a commitment to the court to go final by Dec. 15.

**Abstract:** In this notice, EPA would announce its decision to reconsider and take additional comment on three provisions in the final Phase 2, 8-hour ozone implementation rule: (1) The determination that electric generating units (EGUs) that comply with rules

implementing the Clean Air Interstate Rule (CAIR) and are located in States where all required CAIR emissions reductions are achieved from EGUs meet the 8-hour ozone State implementation plan (SIP) requirement for application of reasonably available control technology (RACT) for nitrogen oxide (NOx) emissions; (2) a new source review (NSR) requirement allowing sources to use certain emission reductions as offsets under certain circumstances; and (3) an NSR provision addressing when requirements for the lowest achievable emission rate (LAER) and emission offsets may be waived. These issues are also issues in a petition for judicial review; the court has granted EPA a stay of litigation on these three issues until December 15, 2006, so the reconsideration action must be completed by then.

#### Timetable:

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

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

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

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

RIN: 2060-AO00

**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)**
**Final Rule Stage**
**3073. GENERAL CONFORMITY  
REGULATIONS; REVISIONS**
**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/07 |         |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

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

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

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**RIN:** 2060-AH93

**3074. REVIEW OF NEW SOURCES  
AND MODIFICATIONS IN INDIAN  
COUNTRY**
**Priority:** Other Significant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 49

**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 08/21/06 | 71 FR 48696 |
| NPRM Comment<br>Period End | 11/20/06 |             |
| Final Action               | 06/00/07 |             |

**Regulatory Flexibility Analysis  
Required:** No

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

**Government Levels Affected:** Federal,  
Tribal

**Additional Information:** SAN No. 3975;  
EPA publication information: NPRM -  
<http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-21/a6926.htm>;  
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**RIN:** 2060-AH37

**3075. CLEAN AIR FINE PARTICLE  
IMPLEMENTATION RULE**
**Regulatory Plan:** This entry is Seq. No.  
117 in part II of this issue of the  
Federal Register.

**RIN:** 2060-AK74

**3076. NSPS: SOCMI—WASTEWATER  
AND AMENDMENT TO APPENDIX C  
OF PART 63 AND APPENDIX J OF  
PART 60**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60, app J, SOCMI  
Wastewater NSPS; 40 CFR 63, app C

**Legal Deadline:** None

**Abstract:** These standards are based on a combination of control techniques that require removal or destruction of volatile organic compounds from wastewater at synthetic organic chemical manufacturing industry plants. Designated chemical process units, i.e., process lines or process units, would be subject to the rule. Constructed, reconstructed, or modified designated chemical process units

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would be required to apply appropriate controls to affected wastewater tanks, surface impoundments, containers, individual drain systems, and oil and water separators, and to treat process wastewater to remove or destroy the volatile organic compounds. On September 12, 1994, EPA proposed Standards of Performance for New Stationary Sources: Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Wastewater (40 CFR part 60, subpart YYY). On October 11, 1995, the EPA issued a supplemental proposal, which clarified and revised the previously proposed rule. On December 9, 1998, EPA published a supplement to the proposed rule that consisted of revised definitions, alternative test procedures, and clarifications of requirements, and that proposed to add appendix J to 40 CFR part 60. In conjunction with the rule development for the NSPS, amendments to appendix C to part 63 were proposed on June 30, 2004. The final rule will encompass the clarifications and revisions to subpart YYY, appendix J, and 40 CFR part 63 appendix C.

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

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

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

**Sectors Affected:** 3251 Basic Chemical Manufacturing

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RIN: 2060-AE94

**3077. AMENDMENTS TO STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS (40 CFR 60, APPENDIX F, PROCEDURE 3)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411**CFR Citation:** 40 CFR 60**Legal Deadline:** Final, Statutory, June 15, 2001.

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/07 |         |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3958;

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RIN: 2060-AH23

**3078. PORTLAND CEMENT MANUFACTURING INDUSTRY NESHAP: AMENDMENT TO IMPLEMENT COURT REMAND**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63.1340 to 63.1359

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

**Abstract:** The Portland Cement Manufacturing Industry NESHAP was promulgated June 14, 1999, and has been codified in 40 Code of Federal Regulations 63, subpart LLL. The Sierra Club and the National Lime Association petitioned the court to review subpart LLL, while the American Portland Cement Alliance (APCA) opted to negotiate a settlement agreement. On December 15, 2000, a panel of the D.C. Circuit issued its opinion in National Lime Ass'n v. EPA. The Court remanded the three standards for which we established floors of no control (hydrogen chloride [HCl], total hydrocarbon [THC], and mercury [Hg]). The Court found that we committed error in not considering other means of control, in particular, control of HAPs in raw materials and in fossil fuels. The Court also remanded that we consider setting beyond-the-floor standards for HAP metals, for which particulate matter (PM) is a surrogate. This action will consist of amendments to respond to the court remand.

**Timetable:**

| Action                             | Date     | FR Cite     |
|------------------------------------|----------|-------------|
| NPRM                               | 12/02/05 | 70 FR 72330 |
| Extension of Public Comment Period | 01/09/06 | 71 FR 1403  |
| Reopening of Public Comment Period | 07/18/06 | 71 FR 40679 |
| Final Action                       | 01/00/07 |             |

**Regulatory Flexibility Analysis**

Required: No

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

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

**Sectors Affected:** 32731 Cement Manufacturing

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RIN: 2060-AJ78

### 3079. NESHAP: HALOGENATED SOLVENT CLEANING—RESIDUAL RISK STANDARDS

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

RIN: 2060-AK22

### 3080. NESHAP: GENERAL PROVISIONS; AMENDMENTS FOR POLLUTION PREVENTION ALTERNATIVE COMPLIANCE REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

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RIN: 2060-AK54

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

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

RIN: 2060-AK14

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

January 1, 2002 for the submission of all individual baselines under the anti-dumping program. This date is the same as that allowed for foreign refineries seeking a unique individual baseline under the anti-dumping program.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4604;

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RIN: 2060-AJ82

### 3083. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES

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

RIN: 2060-AK70

### 3084. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 85

**Legal Deadline:** None

**Abstract:** This action will amend the regulations in 40 CFR 85, subpart P to allow entry into the United States of vehicles which are originally sold in Canada and which are identical to their U.S. counterparts, without obtaining a

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 2665;

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**RIN:** 2060-AI03**3085. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA SULFUR DIOXIDE (SO<sub>2</sub>) AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 52**Legal Deadline:** None

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 07/12/06 | 71 FR 39259 |
| NPRM Comment Period End | 09/11/06 |             |
| Final Action            | 04/00/07 |             |

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

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

**Sectors Affected:** 32411 Petroleum Refineries

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**RIN:** 2008-AA00**3086. NESHAP: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS (RECONSIDERATION OF THE PARTICULATE MATTER STANDARD)****Priority:** Other Significant**Legal Authority:** 42 USC 7412; 42 USC 7414**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** EPA promulgated national emission standards for hazardous air pollutants for hazardous waste combustors on October 12, 2005. Following promulgation of the final rule, the EPA Administrator received four petitions for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act. Under this section of the Clean Air Act, the Administrator shall initiate reconsideration proceedings if the petitioner can show that it was impracticable to raise an objection to a rule within the public comment period or that the grounds for the objection arose after the public

comment period. On March 23, 2006, EPA granted reconsideration of and requested comment on one issue raised in two of the petitions. The issue under reconsideration is the new source standard for particulate matter for cement kilns that burn hazardous wastes. In this final rule EPA plans to issue its final reconsideration determination of this emission standard.

**Timetable:**

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

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

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

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

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**RIN:** 2050-AG29**3087. • NESHAP: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS (RESPONSE TO PETITIONS FOR RECONSIDERATION)****Priority:** Other Significant**Legal Authority:** 42 USC 6924; 42 USC 6925; 42 USC 7412; 42 USC 7414**CFR Citation:** 40 CFR 63 (Revision); 40 CFR 264 (Revision); 40 CFR 266 (Revision)**Legal Deadline:** None

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

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 09/06/06 | 71 FR 52624 |
| NPRM Comment<br>Period End | 10/23/06 |             |
| Final Action               | 04/00/07 |             |

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

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

**URL For More Information:**

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**RIN:** 2050-AG35

### 3088. MODIFICATION OF ANTI-DUMPING BASELINES FOR GASOLINE PRODUCED OR IMPORTED FOR USE IN HAWAII, ALASKA AND THE U.S. TERRITORIES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7545; 42 USC 7601(a)**CFR Citation:** 40 CFR 80 (Revision)**Legal Deadline:** None

**Abstract:** "Dumping" refers to the practice whereby refiners making clean

fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and "dump" them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing "anti-dumping" rules on the books that codify this Clean Air Act prohibition. This action proposes to allow refiners and importers of conventional gasoline produced or imported for use in Hawaii, Alaska, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands to petition EPA to modify their baselines to use the most appropriate seasonal baseline and Complex Model for purposes of compliance with the RFG program's anti-dumping requirements.

Specifically, this action would allow refiners and importers to petition EPA to use the summer Complex Model for all anti-dumping baseline and compliance determinations for conventional gasoline produced or imported for use in Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands. This action would allow refiners and importers to petition EPA to use the winter Complex Model for all anti-dumping baseline and compliance purposes in Alaska. We are proposing this action to address certain inconsistencies in the RFG program's anti-dumping provisions which may have significant unintended negative impacts on refiners and importers. Today's proposed actions would not compromise the environmental goals of the RFG program, or result in any environmental degradation. Today's proposed actions would not have any negative impact on small businesses or State/local/tribal governments.

**Timetable:**

| Action                     | Date     | FR Cite   |
|----------------------------|----------|-----------|
| NPRM                       | 01/04/05 | 70 FR 646 |
| NPRM Comment<br>Period End | 02/03/05 |           |
| Final Action               | 12/00/06 |           |

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

**Additional Information:** SAN No. 4632; EPA publication information: NPRM -

<http://www.epa.gov/fedrgstr/EPA-AIR/2005/January/Day-04/a043.htm>;

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**RIN:** 2060-AK02

### 3089. ANTI-DUMPING BASELINE RECALCULATION FOR DOWNSTREAM OXYGENATE ADDITION

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7545; 42 USC 7601(a)**CFR Citation:** 40 CFR 80.91**Legal Deadline:** None

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

**Timetable:**

| Action              | Date     | FR Cite |
|---------------------|----------|---------|
| Direct Final Action | 04/00/07 |         |

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

**Additional Information:** SAN No. 4706;

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**RIN:** 2060-AK69

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

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

**RIN:** 2060–AL75

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 86

**Legal Deadline:** None

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 01/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4809;

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**RIN:** 2060–AL92

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** Under the Clean Air Act and the Montreal Protocol on substances that deplete the ozone layer, this rule will seek to create an exemption for emergency uses of methyl bromide, an ozone depleting substance, after the phase-out date of 2005. This exemption will be limited to no more than 20 metric tons per emergency event. This is a deregulatory action that will decrease burden on producers, importers, distributors and applicators of methyl bromide as well as end-users of methyl bromide who are growers and owners of stored food products while still achieving the environmental objectives of the program.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4819;

**URL For More Information:**

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**RIN:** 2060–AL94

**3093. ALTERNATIVE WORK PRACTICE FOR LEAK DETECTION AND REPAIR**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

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

**Legal Deadline:** Other, Statutory, March 31, 2006, Thompson Report commitment date.

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

**Timetable:**

| Action                            | Date     | FR Cite     |
|-----------------------------------|----------|-------------|
| NPRM                              | 04/06/06 | 71 FR 17401 |
| NPRM, Extension<br>Comment Period | 06/07/06 | 71 FR 32885 |
| Final Action                      | 04/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4830;

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RIN: 2060-AL98

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63.760 to 779

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

NPRM, Judicial, June 30, 2005.

Final, Judicial, December 21, 2006, consent decree.

**Abstract:** This regulation is being pursued under the Clean Air Act, Section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from “area” sources, which are sources that emit hazardous air pollutants (HAP) below the major source level of 10 tons/year of a single HAP and 25 tons/year of all HAP. As part of that strategy, several area-source categories were listed for regulation. Oil and Natural Gas (ONG) production sources were listed as one of those categories, and this rulemaking will address measures to control pollution from ONG facilities. Oil and natural gas production processes are known to emit benzene, toluene, ethyl-benzene and xylene. In 1999, EPA promulgated the NESHAP for Oil and Natural Gas Production. A supplemental proposal was published in the Federal Register on July 8, 2005. We proposed two options—that the control requirements apply in all locations or to just facilities in Urban 1 and Urban 2 counties. The control requirements only apply to triethylene glycol dehydration units.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4875; EPA publication information: NPRM -

<http://www.epa.gov/fedrgstr/EPA-AIR/2005/July/Day-08/a13480.htm>;

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RIN: 2060-AM16

### 3095. NESHAP: SITE REMEDIATION: AMENDMENTS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** The Site Remediation regulation was promulgated on October 8, 2003. This action will revise language in the final rule to correct errors or language that doesn't reflect our intent. Specifically, we will revise language specifying where the concentration for remediation material management units (RMMU) is measured (i.e., from point of extraction to point of treatment - as proposed in the original rule). We will also clarify that facilities with active remediations can use the 1 Mg HAP exemption if they qualify rather than limit it to new remediations. We will also clarify that facilities meeting equipment leak standards for part 61 or other part 63 standards are exempt from those similar provisions in 63 subpart GGGGG. Grammatical errors and incorrect section references will be corrected as well.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4866;

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RIN: 2060-AM30

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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



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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**URL For More Information:**

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**RIN:** 2060-AM46

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7671k

**CFR Citation:** 40 CFR 82.180

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4918;

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**RIN:** 2060-AM54

### 3098. NONATTAINMENT MAJOR NEW SOURCE REVIEW (NSR): FINAL RULES

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51, app S

**Legal Deadline:** None

**Abstract:** This action will promulgate changes to regulations that govern NSR permitting of major stationary sources in nonattainment areas where there is no approved SIP. Appendix S of 40 CFR 51 contains the permitting program for major stationary sources in nonattainment areas in transition periods before approval of a SIP to implement part D of title I. This action will revise appendix S to conform it to the changes made to regulations at 40 CFR 51.165 for SIP programs for nonattainment major NSR (67 FR 80816; December 31, 2002).

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 01/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

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**RIN:** 2060-AM59

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7521

**CFR Citation:** 40 CFR 86

**Legal Deadline:** None

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

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

**Timetable:**

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

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

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

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RIN: 2060-AN01

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

**Priority:** Other Significant**Legal Authority:** Clean Air Act sec 612**CFR Citation:** 40 CFR 82**Legal Deadline:** None

**Abstract:** EPA is initiating this rulemaking in response to a DC Circuit action. In July 2004, the DC Circuit Court vacated a portion of an SNAP Final Rule published on July 22, 2002 (67 FR 47703), and new information available to the Agency as a result of progress within the industry on adopting non-ozone depleting chemicals. This rule responds to the vacature and the new information and

would determine the continued use of HCFC-22 and -142b as substitutes for HCFC-141b in foam blowing. This rule will address affects of stratospheric ozone depletion and health and environmental impacts of substitutes for ozone-depleting substances. The ultimate impact will be to reduce skin cancer, cataracts, and other adverse impacts of ozone depletion.

**Timetable:**

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

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

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

**URL For More Information:**[www.epa.gov/ozone/title6](http://www.epa.gov/ozone/title6)

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RIN: 2060-AN11

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

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

RIN: 2060-AN14

### 3102. REVISIONS TO THE CONTINUOUS EMISSIONS MONITORING RULE FOR THE ACID RAIN PROGRAM AND THE NOX BUDGET TRADING PROGRAM

**Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 75 (Revision)**Legal Deadline:** None

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/22/06 | 71 FR 49254 |
| NPRM Comment Period End | 10/23/06 |             |
| Final Action            | 06/00/07 |             |

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

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**Government Levels Affected:** None

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

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**RIN:** 2060-AN16

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA sections 111 and 129

**CFR Citation:** 40 CFR 60 subparts AAAA and BBBB, 40 CFR 62

**Legal Deadline:** None

**Abstract:** This rule would amend the final (Dec. 2000) small municipal waste combustors (MWC) new source performance standards (NSPS), emission guidelines (EG), and Federal 111(d) plan. The small MWC rule regulates owners and operators of small MWC, which are MWC units with capacities between 35 tons per day (tpd) and 250 tpd. The amendments will not change the response (the types of emission controls that will be used) of the facilities to the rule, but will provide clarification and correction. Specifically, the amendments will include: (1) Fixing typographical errors created by the Office of the Federal Register; (2) approval of State operator training programs for MWC operators in the State of Minnesota (this was previously done for MWC operators in the States of Maryland and Connecticut); (3) addressing carbon monoxide (CO) emission limits during MWC malfunctions (this same provision was already added to large MWC standards in a previous

rulemaking); (4) revising a CO limit for one type of MWC and a NOx limit for another type of MWC; and (5) removing one voluntary consensus standard, ASTM D-6522, which is not an appropriate test method for this industry. These changes need to be made to address compliance issues for this rule.

**Timetable:**

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

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4970;

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**RIN:** 2060-AN17

### 3104. REVISIONS TO AIR EMISSIONS REPORTING REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 51 subpart A

**Legal Deadline:** None

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

what data must be reported to EPA. The proposed rule would resolve these differences.

**Timetable:**

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

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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

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**RIN:** 2060-AN20

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4625.4; EPA publication information: NPRM -

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/March/Day-27/a2909.htm>; Split from RIN 2060-AJ99.

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**RIN:** 2060-AN26

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

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63.7480

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 2060-AN32

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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RIN: 2060-AN34

**3108. TREATMENT OF DATA INFLUENCED BY EXCEPTIONAL EVENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act title I**CFR Citation:** 40 CFR 50**Legal Deadline:** Other, Statutory, March 1, 2006, SAFE-TEA requires EPA publish a NPRM in the FR NLT 3/1/06. Signature by 3/1 will be met but FR Pub date of 3/1 will not be met.**Abstract:** This regulation would codify EPA policy concerning how to address air quality data that has been identified as being affected by exceptional, natural, or international events. The rulemaking provides guidance to States, local, and Tribal air quality agencies on how to address the air quality and public health impacts caused by these types of events. EPA is developing this rule to better address situations where data resulting from uncontrollable, natural, or exceptional events — for example forest fires, structural fires, high wind, volcanic or seismic activities — may require special consideration. In some cases, it may be appropriate to exclude data from such events from regulatory consideration because they could result in inappropriate air quality values being compared with the level of the affected air quality standard. In other cases it may be appropriate to retain the data for comparison with the level of the affected standard and then allow EPA time to formulate the appropriate regulatory response.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4998; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/March/Day-10/a2179.htm>;**Agency Contact:** Larry Wallace, Environmental Protection Agency, Air and Radiation, C-504-02, Research Triangle Park, NC 27711Phone: 919 541-0906  
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RIN: 2060-AN40

**3109. NESHAP FOR AREA SOURCES: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, PRIMARY COPPER SMELTING, SECONDARY COPPER SMELTING, PRIMARY NONFERROUS METALS (ZINC, CADMIUM, AND BERYLLIUM)****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Judicial, December 15, 2006, Court deadline.**Abstract:** Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs are subjected to standards. The strategy was published on July 19, 1999, and listed various area source categories emitting at least one of the urban HAPs. EPA eventually listed a total of 70 source categories that collectively account for at least 90 percent of the urban HAPs in urban areas. As such, EPA is required to subject these source categories to regulations issued under section 112(d). Furthermore, EPA has received a court order requiring that the Agency complete the 112(k) mandate by certain dates. Specifically, the court order requires that EPA issue regulations affecting 4 of these area source categories by December 15, 2006. This action will satisfy the first date under this mandate by consolidating activities into one notice for the following 4 source categories: Secondary Copper Production, Primary

Copper Production, Primary Nonferrous Metals Production, and Polyvinyl Chloride and Copolymers Production.

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 5013**Agency Contact:** Bob Schell, Environmental Protection Agency, Air and Radiation, C439-02, Research Triangle Park, NC 27711  
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RIN: 2060-AN45

**3110. PROTECTION OF STRATOSPHERIC OZONE: 2007 CRITICAL USE EXEMPTIONS FOR METHYL BROMIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** sec 604 of the CAA**CFR Citation:** 40 CFR NYD**Legal Deadline:** None**Abstract:** This rulemaking will authorize methyl bromide critical use exemptions for the 2007 calendar year, which the Agency believes meet the criteria for the critical use exemptions, and will also allocate such exemptions.

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 07/06/06 | 71 FR 38325 |
| NPRM Comment<br>Period End | 08/07/06 |             |
| Final Action               | 12/00/06 |             |

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

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

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

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**RIN:** 2060-AN54

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

**Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 80**Legal Deadline:** None

**Abstract:** Reformulated Gasoline (RFG) is gasoline blended to reduce emissions that cause ozone smog. The Clean Air Act (CAA) requires certain areas to use RFG, depending on how serious is the ozone problem—i.e., how far it is from attaining the National Ambient Air Quality Standards (NAAQS) for ozone. In some cases, areas that previously had a less-serious ozone problem subsequently experience worse air quality, and in such cases the Clean Air Act requires them to be “bumped

up” to a higher category, thereby requiring RFG use. One complication is that the Agency is now implementing the transition from the previous ozone standard, based on the amount of pollution measured over a 1-hour period, to the new ozone standard, based on an 8-hour period. This rule would set regulations for such cases. EPA is inviting comment on two options for such cases. Under the first option, an area would be required to use RFG at least until it is redesignated to attainment for the 8-hour NAAQS. This option would rely on an antibacksliding approach that emphasizes that the area is still an ozone nonattainment area notwithstanding its redesignation to attainment of the 1-hour NAAQS. EPA would interpret the Act as requiring continued use of RFG in the proposal areas due to their continued status as ozone nonattainment areas under the 8-hour NAAQS. An area would remain an RFG area at least until it is redesignated to attainment for the 8-hour NAAQS. Under the second option, EPA would interpret CAA section 211(k)(10)(D) such that an area would no longer be considered an RFG area after redesignation to attainment for the 1-hour NAAQS, if the State requests removal of RFG and demonstrates that removal would not result in loss of emission reductions relied upon in the State attainment plan. This option would allow for removal of the RFG program for proposal areas during transition to the 8-hour NAAQS, unlike the approach adopted for other bump-up areas. This option would implement an antibacksliding approach with a trigger date (date of revocation of the 1-hour NAAQS) that is different from that otherwise used. EPA recently redesignated Atlanta to attainment of the 1-hour NAAQS, prior to revocation of the 1-hour NAAQS. Thus, Atlanta is the only bump-up area that would fall within the scope of this proposal.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 06/23/06 | 71 FR 36042 |
| NPRM Comment<br>Period End | 08/22/06 |             |
| Final Action               | 06/00/07 |             |

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

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

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

**Priority:** Substantive, Nonsignificant**Legal Authority:** CAA 325(a)(1)**CFR Citation:** 40 CFR 80(H)**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5027;**Agency Contact:** Alvaro Alvarado, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460

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**RIN:** 2060-AN66**3113. INTERPRETIVE RULEMAKING TO CLARIFY THE SCOPE OF CERTAIN MONITORING REQUIREMENTS FOR FEDERAL AND STATE OPERATING PERMITS PROGRAMS****Priority:** Other Significant**Legal Authority:** Clean Air Act title V**CFR Citation:** 40 CFR 70; 40 CFR 71**Legal Deadline:** Final, Judicial, October 27, 2006, Consent Decree deadline.

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

fill gaps under the separate periodic monitoring requirements of the operating permits rules. We also formally withdrew a September 17, 2002 proposal to revise these paragraphs in parts 70 and 71. The final action will implement the interpretation consistent with our responses to public comments.

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 5044; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-02/a8613.htm>;**Agency Contact:** Peter Westlin, Environmental Protection Agency, Air and Radiation, D243-05, Research Triangle Park, NC 27711

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**RIN:** 2060-AN74**3114. RENEWABLE FUELS STANDARD RULE****Regulatory Plan:** This entry is Seq. No. 121 in part II of this issue of the Federal Register.**RIN:** 2060-AN76**3115. PREVENTION OF SIGNIFICANT DETERIORATION, NONATTAINMENT NEW SOURCE REVIEW, AND TITLE V: TREATMENT OF CORN MILLING FACILITIES UNDER THE "MAJOR EMITTING FACILITY" DEFINITION****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 51; 40 CFR 52; 40 CFR 70; 40 CFR 71**Legal Deadline:** Other, Statutory, February 28, 2006, DA committed a

2/28/06 signature on NPRM to Senator Thune.

**Abstract:** Given widespread concerns about our nation's fuel supply and Congress's recent recognition of the enormous role that domestically produced ethanol can play in reducing our dependence on foreign oil (by Congress's enactment of the renewable fuels standard in the Energy Policy Act of 2005), EPA will examine the treatment of ethanol production facilities under the New Source Review and title V operating permit programs. Specifically, a source emitting greater than the major source threshold may be subject to New Source Review, operating permits, and other regulations. A source in one of 27 listed source categories (including chemical process plants) has a major source threshold of 100 tons per year. Conversely, sources not in the one of the 27 listed source categories have a major source threshold of 250 tons per year. EPA will determine through this rulemaking whether ethanol production facilities were originally intended to be in the chemical process plants source category when these categories were developed.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/09/06 | 71 FR 12240 |
| Final Action | 03/00/07 |             |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 5049; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/March/Day-09/a2148.htm>;**Agency Contact:** Joanna Swanson, Environmental Protection Agency, Air and Radiation, C304-04, Research Triangle Park, NC 27711

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**RIN:** 2060-AN77

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**3116. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: REVISIONS TO INITIAL PERFORMANCE TEST PROVISIONS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The proposed rule will extend the time period required for source owners and operators to conduct initial performance tests in response to force majeure. A force majeure is defined as an event caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that results in not meeting the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

We recognize that there may be circumstances beyond a source owner's or operator's control that could cause a performance test deadline to be missed and that we must provide a mechanism for consideration of these circumstances and granting of extensions where warranted. Under current rules, a source owner or operator who is unable to comply with testing requirements within the allotted timeframe due to a force majeure is regarded as being in violation and subject to enforcement action. As a matter of policy, EPA has exercised enforcement discretion to avoid finding such sources in violation. However, because these failures result in circumstances beyond the control of the source owner or operator, we believe that a more reasonable approach is to provide an opportunity to such owners and operators to make good faith demonstrations and obtain extensions of the performance testing deadline in appropriate circumstances.

EPA's plans to address this issue were noted in the final Clean Air Action National Stack Testing Guidance issued by EPA on September 30, 2005. The following footnote was included in this guidance document. "The Agency

believes that it has the authority under law to allow extensions and plans to conduct notice and comment rulemaking regarding appropriate circumstances in which an extension of initial performance test deadlines may be allowed by regulation."

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/09/06 | 71 FR 45487 |
| NPRM Comment Period End | 11/07/06 |             |
| Final Action            | 12/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5061; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-09/a12966.htm>;

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**RIN:** 2060-AN84

**3117. • FINAL RULE FOR IMPLEMENTATION OF THE NEW SOURCE REVIEW (NSR) PROGRAM FOR PM2.5**

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

**RIN:** 2060-AN86

**3118. • PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** This action amends prior action by the Agency related to the transition of Article 5 countries to ozone-depleting substance alternatives. Currently, Article 5 allowances are determined as a percentage of total production allowances assigned to U.S. companies for Class I ozone-depleting

substances. In accordance with the Beijing Amendments of the Montreal Protocol, this action revises established Article 5 allowances independently of total production allowances based on new data.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/23/06 | 71 FR 49395 |
| NPRM Comment Period End | 09/22/06 |             |
| Final Action            | 01/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4697.1; Split from RIN 2060-AK45.

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**RIN:** 2060-AN87

**3119. • FINAL EXTENSION OF THE DEFERRED EFFECTIVE DATE OF NONATTAINMENT DESIGNATIONS FOR 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR EARLY ACTION COMPACT AREAS**

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

**Legal Authority:** 42 USC 7407; 42 USC 7501 to 7515; 42 USC 7601

**CFR Citation:** 40 CFR 81

**Legal Deadline:** Other, Statutory, November 15, 2006, Final must be signed 11/15 to publish NLT 11/30 to be effective by 12/31/2006 or EAC areas will become nonattainment.

**Abstract:** This rule proposes to defer the effective date of nonattainment designations for 14 areas of the country that have entered into Early Action Compacts (EACs) with EPA until April 15, 2008. These EAC areas have agreed to reduce ground-level ozone pollution earlier than the Clean Air Act requires and to attain the National Ambient Air



## EPA—Clean Air Act (CAA)

## Final Rule Stage

Quality Standards (NAAQS) for ozone by December 31, 2007. This rule will establish a final deferred effective date of nonattainment designations of April 15, 2008, for compact areas, or portions of compact areas, so long as these areas meet agreed-upon milestones. The current effective date of nonattainment designation for these EAC areas has been deferred until December 31, 2006, for those communities that continue to fulfill all compact obligations. This action must be finalized and published in the Federal Register by November 30, 2006, or the 14 EAC areas with deferred nonattainment designations will automatically lose their deferred designations and have nonattainment designations.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/09/06 | 71 FR 45492 |
| NPRM Comment Period End | 09/08/06 |             |
| Final Action            | 12/00/06 |             |

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

**Additional Information:** SAN No. 4839.5; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-09/a12960.htm>; Split from RIN 2060-AN04. Split from RIN 2060-AM03. Promulgation of SAN 4839 will include the material formerly proposed as SAN 4798. SAN 4798 has been merged into SAN 4839.

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**RIN:** 2060-AN90

**3120. • OTHER SOLID WASTE INCINERATION UNITS: RESPONSE TO PETITION FOR RECONSIDERATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7509

**CFR Citation:** 40 CFR 60

**Legal Deadline:** Final, Judicial, January 15, 2007, Court-Ordered Deadline.

**Abstract:** Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units were promulgated in 2005 (70 FR 74870, 12/16/05). A petition for reconsideration of that rule was received in February of 2006. This action will constitute EPA's response to that petition.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 06/28/06 | 71 FR 36726 |
| Final Action | 01/00/07 |             |

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

**Additional Information:** SAN No. 5073; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-28/a10095.htm>; EPA Docket information: [epa-hq-oar-2003-0156](http://epa-hq-oar-2003-0156)

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**RIN:** 2060-AN91

**3121. • PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): REMOVAL OF VACATED ELEMENTS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The purpose of this rulemaking is to remove regulatory language from our NSR rules that was vacated by the court after promulgation. Specific elements addressed by this

rulemaking are the: (1) Clean Unit applicability test and (2) exemption for Pollution Control Projects (PCP).

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/07 |         |

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

**Additional Information:** SAN No. 5077;

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**RIN:** 2060-AN92

**3122. • RULE INTERPRETING THE SCOPE OF TITLE V OPERATING PERMIT MODIFICATIONS WHERE EPA HAS APPROVED ALTERNATIVE MONITORING AND TESTING PROVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

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

**Legal Deadline:** None

**Abstract:** The purpose of this rulemaking is to clarify the meaning of "significant permit modification" (in 40 CFR parts 70 and 71) as it pertains to an alternative emissions monitoring and testing request that has been approved by EPA, and to clarify how the approved request becomes incorporated into a title V operating permit. The EPA routinely receives requests from industry to approve alternative monitoring and testing provisions. The Code of Federal Regulations (CFR), under sections 60.8(b), 61.13(h), 63.7(f), 51.212(b)(2) 60.13(l), 61.14(g), and 63.8(f), authorizes EPA to approve an alternative monitoring or testing request, provided an adequate demonstration of equivalency with the

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required monitoring or testing has been made. EPA believes that the approved alternative monitoring or testing provisions should be incorporated into the title V operating permit quickly and without burden to the permitting authority or the source.

**Timetable:**

| Action              | Date     | FR Cite |
|---------------------|----------|---------|
| Direct Final Action | 11/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5079;

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**RIN:** 2060-AN93

### 3123. ● REGULATION OF FUELS AND FUEL ADDITIVES: UPDATED VOLATILITY STANDARD FOR ALASKA ONLY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA 211

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

**Abstract:** This rule would revise EPA's gasoline-engine emission regulations to allow the use of the latest version of ASTM technical standards for Alaska. Gasoline-powered engines in Alaska face special challenges. Extremely cold winter temperatures increase the risk that engines using typical gasoline blends will suffer from difficulty in cold starting. To address these unique circumstances, the new ASTM 4814-04 standards for gasoline include special subclasses for gasoline used in extremely cold conditions. The new parameters enhance vehicle cold start and warm-up performance by allowing slightly different volatility characteristics for gasoline. Current

EPA regulations only allow the use of the older 1988 version of the ASTM gasoline standards, which do not address Alaska's cold climate. This rulemaking is intended to adopt new specifications by changing the "Substantially Similar" definition to include the new standards in ASTM 4814-04 for Alaska only. This action is supported by automobile manufacturers and Alaska refiners.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5080;

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**RIN:** 2060-AN94

### 3124. ● STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND EMISSION GUIDELINES FOR EXISTING SOURCES — OTHER SOLID WASTE INCINERATION UNITS: TECHNICAL AMENDMENT

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

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

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** This New Source Performance Standard and Emission Guideline for Other Solid Waste Incineration Units was promulgated December 16, 2005, addressing the incineration of nonhazardous solid wastes by very small municipal waste combustion units and institutional waste incineration units. The opacity emission limitation and the timing requirements for its test were incorrectly specified in the promulgated rule due to a typographical error. This action will correct that error.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5083;

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**RIN:** 2060-AN95

### 3125. ● STANDARDS OF PERFORMANCE FOR NEW INDUSTRIAL- COMMERCIAL -INSTITUTIONAL STEAM GENERATING UNITS: AMENDMENT FOR FACILITY-SPECIFIC NOX STANDARD

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 60.40b

**Legal Deadline:** None

**Abstract:** On November 25, 1986, EPA issued new source performance standards (NSPS) for Industrial-Commercial-Institutional Steam Generating Units (40 CFR part 60, subpart Db), including standards limiting nitrogen oxide (NOx) emissions from industrial boilers. The standards include provisions for facility-specific NOx standards for industrial boilers which simultaneously combust fossil fuel and gaseous or liquid chemical byproducts/waste under certain contains. On December 15, 2005, Innovene USA LLC petitioned EPA to establish a site-specific NOx emission limitation for the absorber offgas incinerator at Innovene's Lima, Ohio facility. This action will address the Innovene petition.

**Timetable:**

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

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5084;**Agency Contact:** Jim Eddinger,  
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**RIN:** 2060-AN96**Environmental Protection Agency (EPA)****Long-Term Actions****Clean Air Act (CAA)****3126. SOURCE-SPECIFIC FEDERAL  
IMPLEMENTATION PLAN FOR  
NAVAJO GENERATING STATION;  
NAVAJO NATION****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 49 CFR 123**Legal Deadline:** None**Abstract:** EPA proposes to federalize standards from the Arizona and New Mexico State Implementation Plans (SIPS) applicable to the Navajo generating station. Where necessary, EPA's proposed emission standards modify the standards extracted from the States' regulatory programs to ensure comprehensive emission control and Federal consistency.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Tribal**Additional Information:** SAN No. 4315;  
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mckaughan.colleen@epamail.epa.gov**RIN:** 2009-AA00**3127. SOURCE-SPECIFIC FEDERAL  
IMPLEMENTATION PLAN FOR  
NAVAJO GENERATING STATION;  
FOUR CORNERS POWER PLANT****Priority:** Other Significant**Legal Authority:** 42 USC 1740**CFR Citation:** 40 CFR 60**Legal Deadline:** None**Abstract:** EPA proposes to federalize standards from the Arizona and New Mexico State Implementation Plans (SIPS) applicable to the Four Corners Plant, respectively. Where necessary, EPA's proposed emission standards modify the standards extracted from the States' regulatory programs to ensure comprehensive emission control and Federal consistency.**Timetable:**

| Action     | Date  | FR Cite    |
|------------|-------|------------|
| Reproposal | To Be | Determined |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** SAN No. 3569;  
NPRM-  
[http://www.epa.gov/fedrgstr/EPA-;  
AIR/1999/September/Day-08  
/a23277.htm](http://www.epa.gov/fedrgstr/EPA-;AIR/1999/September/Day-08/a23277.htm); Formerly listed as RIN  
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**RIN:** 2009-AA01**3128. ACCIDENTAL RELEASE  
PREVENTION REQUIREMENTS: RISK  
MANAGEMENT PROGRAMS UNDER  
THE CLEAN AIR ACT, SECTION  
112(R)(7); AVAILABILITY OF  
INFORMATION TO THE PUBLIC;  
TECHNICAL AMENDMENT****Priority:** Info./Admin./Other**Legal Authority:** CAA 112(r)**CFR Citation:** 40 CFR 68.210**Legal Deadline:** None**Abstract:** Section 112(r)(7) of the Clean Air Act (CAA) and its implementing regulations at 40 CFR part 68 require certain stationary sources to report an Off-site Consequence Analysis (OCA), including a worst-case release scenario, in a Risk Management Plan (RMP) that is to be made available to the public. In response to concerns that posting OCA information on the Internet might increase the risk of terrorist and other criminal activities, on August 5, 1999, the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRA) 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

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

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| Final Action | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4607;

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**RIN:** 2050-AE95

**3129. NAAQS: SULFUR DIOXIDE (RESPONSE TO REMAND)**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** On November 15, 1994, the Environmental Protection Agency (EPA) proposed not to revise the existing 24-hour and annual primary standards. The EPA sought public comment on the need to adopt additional regulatory measures to address the health risk to asthmatic individuals posed by short-term peak sulfur dioxide exposure. On March 7, 1995, EPA proposed implementation strategies for reducing short-term high concentrations of sulfur dioxide emissions in the ambient air. On May 22, 1996, EPA published its final decision not to revise the primary sulfur dioxide NAAQS. The notice stated that EPA would shortly propose a new implementation strategy to assist States in addressing short-term peaks of sulfur dioxide. The new implementation strategy—the Intervention Level Program—was

proposed on January 2, 1997. In July 1996, the American Lung Association and the Environmental Defense Fund petitioned the U.S. Court of Appeals for the D.C. Circuit for a judicial review of EPA's decision not to establish a new 5-minute NAAQS. On January 30, 1998, the court found that EPA did not adequately explain its decision and remanded the case so EPA could explain its rationale more fully. EPA published a schedule for responding to the remand in the May 5, 1998 Federal Register. Since that notice, EPA has continued to work on the proposed response to the remand by reviewing additional SO<sub>2</sub> air quality information. EPA published an informational notice in the Federal Register on January 9, 2001 (66 FR 1665). EPA conducted monitoring to evaluate sources of SO<sub>2</sub> peaks and is currently analyzing these data. The results of this project will inform the response to the remand.

**Timetable:**

| Action                    | Date     | FR Cite     |
|---------------------------|----------|-------------|
| NPRM NAAQS Review         | 11/15/94 | 59 FR 58958 |
| NPRM NAAQS Implementation | 03/07/95 | 60 FR 12492 |
| Final NAAQS Review        | 05/22/96 | 61 FR 25566 |
| NPRM rev. NAAQS impl      | 01/02/97 | 62 FR 210   |
| Notice Resp to Remand     | 05/05/98 | 63 FR 24782 |
| NPRM                      | To Be    | Determined  |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 1002; EPA publication information: NPRM NAAQS Review-NAAQS Review

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**RIN:** 2060-AA61

**3130. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON-FEDERAL CLASS I AREAS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7670 to 7479, CAA 160 to 169

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

**Additional Information:** SAN No. 3919;

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**RIN:** 2060-AH01

**3131. NESHAP: GROUP II POLYMERS AND RESINS-RESIDUAL RISK STANDARDS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, March 8, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA. This source category covers certain chemical

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process units used to manufacture products. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4657;

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

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**RIN:** 2060-AK13

### 3132. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY COMBUSTION TURBINES—PETITION TO DELIST

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

Register providing an explanation of the denial.

**Timetable:**

| Action            | Date     | FR Cite     |
|-------------------|----------|-------------|
| NPRM-Delisting    | 04/07/04 | 69 FR 18327 |
| NPRM-STAY         | 04/07/04 | 69 FR 18338 |
| Final Action-STAY | 08/18/04 | 69 FR 51184 |
| Final Action      | 06/00/08 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4751; EPA publication information: NPRM-STAY -

<http://www.epa.gov/fedrgstr/EPA-AIR/2004/April/Day-07/a7775.htm>

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

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**RIN:** 2060-AK73

### 3133. SECTION 126 RULE WITHDRAWAL PROVISION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7426

**CFR Citation:** 40 CFR 52

**Legal Deadline:** None

**Abstract:** EPA is proposing to revise one narrow aspect of the Section 126 Rule, which was promulgated January 18, 2000. That rule requires certain sources located in the eastern United States to reduce their NOx emissions for purposes of reducing ozone transport. EPA coordinated the Section 126 Rule with a related ozone transport rule, known as the NOx State implementation plan call (NOx SIP Call), which also addresses ozone transport in the eastern United States. The EPA established the same compliance date for both rules, May 1,

2003. The EPA included a provision in the Section 126 Rule which provided that where a State adopted, and EPA approved, a SIP controlling transport under the NOx SIP Call, and with a May 1, 2003 compliance date, EPA would withdraw the Section 126 requirements for sources in that State. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have both been delayed until May 31, 2004. In addition, the NOx SIP Call has been divided into two phases. Therefore, it is necessary to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. This action also proposes to withdraw the Section 126 Rule in States that meet the proposed revised criteria.

**Timetable:**

| Action       | Date             | FR Cite     |
|--------------|------------------|-------------|
| NPRM         | 04/04/03         | 68 FR 16644 |
| Final Action | To Be Determined |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4689; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/April/Day-04/a8152.htm>;

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**RIN:** 2060-AK41

### 3134. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 51; 40 CFR 93

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**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 3917;

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**RIN:** 2060-AH31

**3135. INSPECTION/MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT TO THE FINAL RULE**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency (EPA) has had oversight and policy development authority for Inspection and Maintenance (I/M) programs since the passage of the Clean Air Act (CAA) in 1970. The 1977 amendments to the CAA mandated I/M for certain areas with long-term air quality problems and the 1990 amendments set forth standards for implementation of I/M programs. EPA used the statutory requirements of the Act, including I/M requirements for Federal facilities, to

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

**Timetable:**

| Action              | Date     | FR Cite |
|---------------------|----------|---------|
| Direct Final Action | 12/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4348;

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**RIN:** 2060-AI97

**3136. CALIFORNIA GASOLINE TECHNICAL CORRECTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80.81(a)

**Legal Deadline:** None

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

**Timetable:**

| Action              | Date     | FR Cite |
|---------------------|----------|---------|
| Direct Final Action | 12/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4722;

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**RIN:** 2060-AK56

**3137. SECTION 126 RULE: WITHDRAWAL OF FINDINGS FOR SOURCES IN MICHIGAN**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 52.34

**Legal Deadline:** None

**Abstract:** EPA coordinated the Section 126 Rule with another rule known as the NOx State implementation plan (SIP) Call, because both rules address ozone transport in the eastern half of

## EPA—Clean Air Act (CAA)

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the United States. EPA established a mechanism in the Section 126 Rule whereby the rule would be withdrawn for sources in a State if the State submitted, and EPA approved, a SIP that complied with the NOx SIP Call. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have been delayed and the NOx SIP Call has been divided into two phases. Therefore, in a separate action, EPA proposed to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. Under that proposal, where a State submits a NOx SIP that meets only Phase 1 of the NOx SIP Call, EPA would need to make a determination that the SIP controls the total group of Section 126 sources to the same stringency as the Section 126 Rule would before the Section 126 Rule could be withdrawn. In this current action, EPA is proposing that the Michigan Phase I SIP meets the proposed revised Section 126 Rule withdrawal criteria, and therefore, if EPA finalizes the withdrawal criteria as proposed, EPA would withdraw the Section 126 Rule for sources in Michigan.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local**Additional Information:** SAN No. 4796;

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**RIN:** 2060-AL83**3138. LIFTING THE STAY OF THE 8-HOUR PORTION OF THE FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT (“NOX SIP CALL”)****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51.121**Legal Deadline:** None

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

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** SAN No. 4797;

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**RIN:** 2060-AL84**3139. CONSIDERATION OF INDUSTRY PETITION TO REMOVE THE TWO-PIECE CAN SUBCATEGORY FROM THE CLEAN AIR ACT HAZARDOUS AIR POLLUTANT SOURCE CATEGORY LIST****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** The Agency has received a petition to remove the 2-piece Can subcategory from the Metal Can Surface Coating source category, which is on the list of hazardous air pollutant source categories under section 112(c) of the Clean Air Act. The Agency must review the petition and either grant or deny the petition within 12 months of the date the complete petition is received. If the Agency grants the petition, a notice of proposed rulemaking will be published in the Federal Register, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the Federal Register providing an explanation of the denial. The Can Manufacturers Association submitted the petition on November 4, 1996, and provided additional materials through April 4, 1999. At that time we determined the petition was complete. Because of the delisting of the HAP ethylene glycol butyl ether, there are not expected to be any sources in the subcategory. Consequently, there would be no sources subject to standards under section 112(d) or (f) of the Clean Air Act. EPA has notified the petitioner that there appears to be no benefit to delisting the subcategory, and the petitioner has tentatively agreed. However, since EPA has not received a notification of withdrawal of the petition, EPA continues to consider this an active rulemaking.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4799;

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**RIN:** 2060-AL86

### 3140. NESHAP & NSPS FOR MUNICIPAL SOLID WASTE LANDFILLS—AMENDMENTS

**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 63.1960; 40 CFR  
63.1975; 40 CFR 63.1980**Legal Deadline:** None

**Abstract:** This action will address issues concerning the National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, that was published on January 16, 2003. We will revise the startup, shutdown, and malfunction provisions promulgated in the rule in response to requests for more flexibility. We will clarify that the moisture balance calculations should be calculated on a wet weight basis as a response to requests about the intent of the promulgated rule. We will correct errors in the compliance dates for the rule.

Another aspect of this action will amend the existing regulation entitled Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills, subpart WWW of 40 CFR 60, promulgated on March 12, 1996. The amendment is being undertaken in response to requests to clarify our intent regarding what constitutes an adequate landfill gas treatment system. This action also clarifies our intent to exempt from control landfill gas that is treated/upgraded. Furthermore, it clarifies who is responsible for control of untreated landfill gas that is sold.

This action is necessary to clarify our intent regarding the issues discussed above. It will improve implementation and compliance with this regulation.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 09/08/06 | 71 FR 53272 |
| NPRM Comment<br>Period End | 11/07/06 |             |
| Final Action               | 01/00/08 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local,  
Tribal**Energy Effects:** Statement of Energy  
Effects planned as required by  
Executive Order 13211.

**Additional Information:** SAN No. 4846;  
NPRM was published September 8,  
2006 (71 FR 53272) as RIN 2060-AJ41  
and RIN 2060-AH13.

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**Related RIN:** Previously reported as  
2060-AH13, Previously reported as  
2060-AJ41

**RIN:** 2060-AM08

### 3141. NESHAP: AREA SOURCE STANDARDS—GLASS MANUFACTURING INDUSTRY

**Priority:** Substantive, Nonsignificant**Legal Authority:** The Clean Air Act (42  
USC 7401 to 7626)**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory,  
November 15, 2000.  
Final, Judicial, December 15, 2008.

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. This component includes the development of maximum achievable control technology (MACT) standards and

generally available control technology (GACT) standards under section 112(d), the area source program developed under section 112(k), residual risk standards under 112(f), and other standards to regulate emissions of air toxics from specific sources. The section 112(k) area source strategy addresses area source contributions of air toxic substances. With the finalization of the Integrated Urban Air Toxics Strategy in July of 1999, the EPA introduced and outlined its "risk based" air toxics program, which includes both regulatory and non-regulatory programs and actions. Section 112(k) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists the goals of the EPA's air toxics program, which are as follows: (1) Reduce the incidence of cancer attributable to exposure to hazardous air pollutants by 75 percent nationally; (2) reduce national non-cancer risks substantially; and (3) address risks which are disproportionately posed on specific sub-populations and geographic areas. In order to accomplish these goals, the EPA has integrated its air toxics program into four components. The first component is source specific regulatory programs. These area source standards can require control levels which are equivalent to either MACT or GACT, as defined in section 112. The processes involved in glass manufacturing include raw material storage, handling and mixing, high temperature (usually furnace) melting, forming, coating, and other processes specific to particular products. The hazardous air pollutants (HAP) emitted from glass manufacturing includes lead, arsenic, mercury, cobalt, nickel, chromium, hydrogen fluoride, hydrochloric acid, glycol ethers, methyl ethyl ketone, xylene, 1,2,4-trimethyl benzene, n-butyl alcohol, toluene, methyl isobutyl ketone, m-xylene, 1,1-dichloro-1-fluoroethane, methanol, selenium, styrene, sec-butyl alcohol, manganese, antimony, barium, chlorine, phenol and formaldehyde. In 1986, EPA promulgated the NESHAP for Inorganic Arsenic Emissions From Glass Manufacturing Plants. Since that time, EPA has re-evaluated both the carcinogenicity assessment (April 10,



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1998) and the oral RfD assessment (February 1, 1993) for arsenic. In reference to the regulations addressing area sources, section 112(c)(3) states, "such regulations shall be promulgated not later than 10 years after such date of enactment" (CAA). Approximately 150 facilities currently operate in the United States producing containers, flat glass, industrial glass fiber and specialty glass. The specialty glass subcategory includes lighting, lead crystal, art glass, ophthalmic lenses, tableware, optical glass fiber, and technical glass components and products. Two small businesses exist in the source category, both of which manufacture containers. It is unknown at this time whether these facilities will be affected by the rule (i.e., whether they use toxic raw materials in the furnace or coatings processes). Glass manufacturers use toxic raw materials in the furnace or in coating operations to impart specific properties to the final product. About 1500 tons per year of HAP are released into the ambient air by glass manufacturing plants. Toxic emission sources include raw material storage, furnace and melting operations, and coating processes. Air pollution control devices are generally available for toxic emission points within the glass manufacturing industry. It is anticipated at this time that glass manufacturers not using toxics would not be subject to the rule.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/07 |         |

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

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**RIN:** 2060-AM12**3142. NESHAP: AREA SOURCE STANDARDS—INDUSTRIAL INORGANIC CHEMICALS MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/08 |         |

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4874;

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**RIN:** 2060-AM19**3143. PETITION TO DELIST A HAZARDOUS AIR POLLUTANT FROM SECTION 112 OF THE CLEAN AIR ACT: METHYL ISOBUTYL KETONE (MIBK)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

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

file for MIBK, updated air dispersion modeling, and an analysis of potential transformation products. Based on this new submission, the ACC requested that EPA reopen its review of the MIBK petition. EPA did reopen its review of the petition. However, since the last submittal by the petitioner, a 2-year MIBK bioassay by the National Toxicology Program (NTP) has been completed. A draft report of this study was reviewed by the NTP Board of Scientific Counselors Technical Reports Review Subcommittee, which accepted unanimously the conclusions in the report that there is some evidence of carcinogenic activity of MIBK. EPA has notified the petitioner that further review of the petition will require that the petitioner submit information regarding the relevance of the NTP study and a risk characterization for the human risk of cancer from MIBK exposures, which would include the derivation of a cancer unit risk estimate. Given the significant time that will be necessary to prepare and submit this information, we are considering the MIBK petition review a long-term action.

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| Notice | 07/19/04 | 69 FR 42954 |
| NPRM   | To Be    | Determined  |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4849

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**RIN:** 2060-AM20**3144. STRATEGY FOR ADDRESSING AIR EMISSIONS FROM ANIMAL FEEDING OPERATIONS****Priority:** Other Significant**Legal Authority:** 12 USC 1701 et seq**CFR Citation:** Not Yet Determined

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Legal Deadline:** None

**Abstract:** This notice describes a strategy for addressing air emissions from animal feeding operations (AFOs). In this notice, we summarize the public concerns that have been raised about emissions from AFOs and explain the substantial scientific uncertainties pertaining to emission levels, public health and welfare effects, and emission control techniques for this industry. Resolving all the uncertainties will require substantial time and research. Nevertheless, some cost effective management practices for reducing emissions are available today, and the use of these practices will mitigate some of the adverse effects of these emissions. Early public input on a set of goals for an emission control program for AFOs and on an intended regulatory approach to begin reducing AFO emissions and solving some of the environmental problems based on information that is available today.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4865;

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**RIN:** 2060-AM26

**3145. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR IRON AND STEEL FOUNDRIES**

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112. Both iron foundries and steel foundries were listed as high priority source categories via a toxicity-weighting analysis. Extensive data gathering and analyses were performed during the development of MACT standards for major iron and steel foundries in 1998. Although primarily a 1998 snapshot of the industry, this database was continually updated with new information regarding plant closures and new control equipment installation throughout the major source rule development. Consequently, this database includes the most recent data for substantial number of area source foundries, and forms the foundation of the environmental and economic impact analysis for area source iron and steel foundries. We intend to consider both MACT and GACT as control options for regulated emission sources. Several HAPs have been identified that may be present in air emissions in significant enough quantities to be of concern. The metal HAPs emitted from melting furnaces include cadmium, chromium, lead, manganese, and nickel. Aromatic organic HAPs produced by mold- and core-making lines, melting furnaces, and pouring, cooling and shakeout (PCS) lines contain acetophenone, benzene, cumene, dibenzofurans, dioxins, naphthalene, phenol, pyrene, toluene, and xylene. The nonaromatic organic HAPs emitted are formaldehyde, methanol, and triethylamine. There are approximately 300 area source iron foundries in the United States, with about 70 percent being small businesses. We estimate that 60 percent of the area source iron foundries have production under 10,000 tons per year. There are approximately 200 area source steel

foundries in the United States, with about 70 percent being small businesses. We estimate that 80 percent of the area source steel foundries have production under 10,000 tons per year. A preliminary analytical blueprint was prepared in November 2004.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4879;

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**RIN:** 2060-AM36

**3146. NESHAP: AREA SOURCE STANDARDS—PLATING AND POLISHING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR Part 63

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

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

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**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/08 |         |

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

Undetermined

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

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**RIN:** 2060-AM37

**3147. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT (RMRR); MAINTENANCE AND REPAIR AMENDMENTS**

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

**Abstract:** This rulemaking is a follow-up to SAN 4676, which is a final rule that specifies categories of equipment replacement activities that would qualify as "routine maintenance, repair, and replacement" (RMRR) under the Clean Air Act's New Source Review (NSR) Program (40 CFR 51, 40 CFR 52). SAN 4676's final action—referred to as the "equipment replacement provision" (ERP)—was promulgated in the Federal Register on 10/27/03 (68 FR 61248). The action summarized here, SAN 4676.3, when finalized, will establish a regulatory definition for maintenance and repair activities (that are not equipment replacements) that qualify for the RMRR Exclusion from Major NSR. We previously proposed options for this SAN in our RMRR proposal on 12/31/02 (67 FR 80920). However, this

action will propose and take comments on an additional approach.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

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

**Additional Information:** SAN No. 4676.3; EPA publication information: NPRM-Publication date is projected; Split from RIN 2060-AK28

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**RIN:** 2060-AM62

**3148. AREA SOURCE NESHAP FOR SECONDARY NONFERROUS METALS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, November 30, 2000.

**Abstract:** Section 112 of the Clean Air Act (CAA) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The secondary nonferrous metals source category includes establishments primarily engaged in recovering nonferrous metals and alloys from new and used scrap and dross or in producing alloys from purchased refined metals. This industry includes establishments engaged in both the recovery and alloying of precious metals. Plants engaged in the recovery of tin through secondary smelting and refining, as well as by chemical

processes, are included in this industry. Secondary refining and smelting produces metals from scrap and process waste. Scrap is bits and pieces of metal parts, bars, turnings, sheets, and wire that are off-specification or worn-out but are capable of being recycled. Two metal recovery technologies are generally used to produce refined metals. Pyrometallurgical technologies are processes that use heat to separate desired metals from other less or undesirable materials, while hydrometallurgical technologies the desired metals are separated from undesirables using techniques that capitalize on differences between constituent solubilities and/or electrochemical properties while in aqueous solutions. The secondary nonferrous metals source category is listed to address some of the urban metal HAP's like lead and chromium compounds in addition to arsenic.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/07 |         |

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4888

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**RIN:** 2060-AM70

**3149. STANDARDS OF PERFORMANCE FOR STATIONARY SPARK IGNITED INTERNAL COMBUSTION ENGINES**

**Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 111**CFR Citation:** 40 CFR 60

**Legal Deadline:** NPRM, Judicial, May 23, 2006, Court-ordered deadline. Final, Judicial, December 20, 2007, Court-ordered deadline.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Abstract:** This project is to develop New Source Performance Standards (NSPS) for stationary reciprocating internal combustion spark ignited engines. This includes two stroke lean burn (2SLB) engines, four stroke lean burn (4SLB) engines, and four stroke rich burn (4SRB) engines. These standards are being developed under section 111 of the CAA to require the application of the best system of emission reduction taking into account the cost of achieving emission reductions and environmental and energy impacts. The pollutants that will be addressed in this rulemaking are PM, NOx, SO2, and CO. The project is on a litigated schedule to propose by May 2006 and to promulgate by December 2007. Information gathering began in early April 2004 and will result in the development of regulatory packages to propose and promulgate an NSPS standard.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 06/12/06 | 71 FR 33804 |
| Final Action | 12/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Additional Information:** SAN No. 4915; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-12/a4919.htm>;

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**RIN:** 2060-AM81

### 3150. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4701 et seq

**CFR Citation:** 40 CFR 63.210-17

**Legal Deadline:** None

**Abstract:** This action would amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Polyvinyl Chloride and Copolymers. These standards were proposed on December 8, 2000 (65 FR 76958), and originally promulgated on July 10, 2002 (67 FR 45886), but were vacated by the D.C. Circuit on June 18, 2004, in *Mossville Environmental Action v. EPA*, 370 F.3d 1232 (D.C. Cir. 2004). This action assures continuity of the parts of the standard that were upheld by the court, and addresses the component of these standards, regarding the use of vinyl chloride as a surrogate for all other HAP, that was not upheld by the court.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4988; ; EPA Docket information: OAR-2002-0037

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**RIN:** 2060-AN33

### 3151. OPTIONAL CHASSIS CERTIFICATION FOR DIESEL VEHICLES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 86.1863-07

**Legal Deadline:** None

**Abstract:** Prior to the heavy-duty 2007 rulemaking (HD 2007), we have

required that crankcase emissions be controlled only on naturally aspirated diesel engines. We made an exception for turbocharged heavy-duty diesel engines in the past because of concerns regarding fouling that could occur from diesel PM and engine oil, which are included in the crankcase emissions, when routing the crankcase blow-by into the turbocharger and aftercooler. However, this was an environmentally significant exception since most heavy-duty diesel trucks use turbocharged engines, and a single engine can emit over 100 pounds of NOx, NMHC, and PM from the crankcase over its lifetime. Therefore, given the availability of technologies to control crankcase emissions and the significant environmental benefit for eliminating those emissions, we are proposing new requirements for crankcase emissions in the HD 2007 rulemaking. Those provisions require that heavy-duty diesel engines either close the crankcase or account for any crankcase emissions within the total compliance limits of the tailpipe emissions standard. This requirement had the unintended consequence of confusing which crankcase provisions should apply to these heavy-duty diesel engines, those of subpart S or the newly defined diesel provisions of. It was our intention that these vehicles meet the newly defined requirements of closed crankcase provisions just as other heavy-duty diesel engines must. Therefore, we are finalizing a change to the HD 2007 that explicitly defines the crankcase provisions applicable for heavy-duty chassis certified diesel engines under 14,000 pounds as those provisions defined under 40 CFR section 86.007-11. There are no environmental impacts. This represents a cost savings to the manufacturers of highway heavy-duty diesel engines.

**Timetable:**

| Action              | Date     | FR Cite |
|---------------------|----------|---------|
| Direct Final Action | 01/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4993;

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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RIN: 2060-AN39

### 3152. NOTICE FOR INFORMATION ON DETERMINING THE EMISSIONS REDUCTIONS ACHIEVED FROM LIMITING THE VOC CONTENT OF ARCHITECTURAL COATINGS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAAA section 110

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** This action is a Proposed Rulemaking (PRM) to discuss and take comment on approaches for calculating emission reductions from the national architectural and Industrial maintenance (AIM) coating rule and other architectural rules. Review of the comments received could result in a rule or policy guidance on calculation methodology. Conference calls have been initiated in order that EPA proceed to move forward with drafting an NPRM due to interest from both States and the regulated community.

#### Timetable:

| Action                         | Date     | FR Cite     |
|--------------------------------|----------|-------------|
| ANPRM                          | 08/31/05 | 70 FR 51694 |
| Comment Period Extended        | 10/13/05 | 70 FR 59680 |
| Second Comment Period Extended | 12/20/05 | 70 FR 75439 |
| NPRM                           | To Be    | Determined  |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5009; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-31/a17357.htm>;

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RIN: 2060-AN42

### 3153. NESHAP: ACRYLIC/MODACRYLIC FIBERS, CHEMICAL MANUFACTURING: CHROMIUM COMPOUNDS, FLEXIBLE FOAM FABRICATION AND FOAM PRODUCTION, CARBON BLACK PRODUCTION, LEAD ACID BATTERY MANUFACTURING, WOOD PRESERVING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs are subjected to standards. The strategy was published on July 19, 1999, and listed various area source categories emitting at least one of the urban HAPs. EPA eventually listed a total of 70 source categories that collectively account for at least 90 percent of the urban HAPs in urban areas. As such, EPA is required to subject these source categories to regulations issued under section 112(d). Furthermore, EPA has received a court order requiring that the Agency complete the 112(k) mandate by certain dates. Specifically, the court order requires that EPA issue regulations affecting six of these area source categories by June 15, 2007. This action will satisfy the second date under this mandate by consolidating activities into one notice for the following seven source categories: Acrylic Fibers/Modacrylic Fibers Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Fabrication Operations, Flexible Polyurethane

Foam Production, Carbon Black Production, Lead Acid Battery Manufacturing, and Wood Preserving.

These source categories have been selected because our information indicates that one of the following situations apply: 1) There are only 1-2 sources in the source category that are well-controlled and subject to existing regulations and/or permit conditions (Acrylic/Modacrylic Fibers, Chemical Manufacturing: Chromium Chemicals, Carbon Black Production); 2) the urban HAPs emitted from the source category have been eliminated as a result of other regulatory programs (e.g., OSHA) (Flexible Foam Production, Flexible Foam Manufacturing, Wood Preserving); and 3) all existing sources within the source category can meet current requirements (e.g., NSPS) that apply to new sources (Lead Acid Battery Manufacturing).

#### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/08 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 5012;

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RIN: 2060-AN44

### 3154. NESHAP: AREA SOURCE STANDARDS—CHEMICAL PREPARATIONS INDUSTRY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR Part 63

**Legal Deadline:** None

**Abstract:** This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the chemical preparations industry. This

## EPA—Clean Air Act (CAA)

## Long-Term Actions

source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 5015;

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**RIN:** 2060-AN46

**3155. NESHAP: AREA SOURCE STANDARDS—PAINT AND ALLIED PRODUCTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the Paint and Allied Products industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 5016;

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**RIN:** 2060-AN47

**3156. NESHAP: AREA SOURCE STANDARDS—RECIPROCATING INTERNAL COMBUSTION ENGINES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401

**CFR Citation:** 40 CFR 63

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

**Abstract:** We are under a consent decree to propose area-source emission standards for hazardous air pollutants (HAP) from stationary reciprocating internal combustion engines. This action will propose standards for stationary engines smaller than 500 horsepower located at major sources of HAP. In addition we intend to propose standards for stationary engines of all sizes located at area sources of HAP.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 06/12/06 | 71 FR 33804 |
| Final Action | 12/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 5014; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-12/a4919.htm>;

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**RIN:** 2060-AN62

**3157. • NESHAP: MERCURY CELL CHLOR-ALKALI PLANTS—AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Section 112(c)(6) of the Clean Air Act requires us to list categories of sources for 7 specific pollutants (including mercury) assuring that sources accounting for not less than 90 percent of the aggregate emissions of each pollutant are subject to standards pursuant to section 112(d)(2). Chlor-alkali plants are among the source categories listed to achieve the 90 percent goal for mercury. Currently, the source category includes 9 plants in 8 States engaged in the production of chlorine and caustic using mercury cells. Together, these plants account for 45 percent of the nationwide mercury inventory for non-combustion sources. Periodically, mercury cell chlor-alkali plants must replace mercury in the cells. Since mercury is not consumed by the process, this mercury leaves the plant site in products, wastes, or through the air. However, mercury cell plants are not able to account for a considerable amount of the mercury that must be replaced. As cited in the preamble to the final rule, there were around 65 tons of mercury unaccounted for in 2000 (68 FR 70920). However, in 2003 only around 35 tons of mercury were unaccounted for from mercury cell plants. Since the amount of mercury in products, and wastes, and mercury emitted to the air through stacks is not well quantified, NRDC maintains that all this "missing" mercury is emitted via fugitive emissions from the cell rooms. NRDC submitted a petition for reconsideration requesting EPA to more accurately quantify the emissions of mercury from this industry. In response to NRDC's petition, the EPA is initiating a testing and monitoring study to evaluate and better characterize fugitive emissions from mercury cell chlor-alkali plants. The results of this study will improve EPA's ability to measure and predict mercury emissions from chlor-alkali plants.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Small Entities Affected:** No  
**Government Levels Affected:** None  
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**RIN:** 2060-AN99

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

## Completed Actions

**3158. NESHAP: OFF-SITE WASTE  
 AND RECOVERY OPERATIONS  
 RESIDUAL RISK STANDARD**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn - Merged into RIN 2060-AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AK68

**3159. REVIEW OF THE NATIONAL  
 AMBIENT AIR QUALITY STANDARDS  
 FOR PARTICULATE MATTER**

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

**CFR Citation:** 40 CFR 50

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/17/06 | 71 FR 61144 |

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

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

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**RIN:** 2060-AI44

**3160. METHODS FOR MEASUREMENT  
 OF VISIBLE EMISSIONS—ADDITION  
 OF METHODS 203A, 203B, AND 203C  
 TO APPENDIX M OF PART 51**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 51

**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 09/21/06 | 71 FR 55119 |
| Final Action Effective | 09/21/06 |             |

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AF83

**3161. ADDITION OF METHOD 207 TO  
 APPENDIX M OF 40 CFR 51 METHOD  
 FOR MEASURING ISOCYANATES IN  
 STATIONARY SOURCE EMISSIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 51

**Completed:**

| Reason    | Date     | FR Cite     |
|-----------|----------|-------------|
| NPRM      | 12/08/97 | 62 FR 64532 |
| Withdrawn | 08/08/06 |             |

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AG88

**3162. UPDATE OF CONTINUOUS  
 INSTRUMENTAL TEST METHODS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 60

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 10/10/03 | 68 FR 58838 |
| Final Action | 05/15/06 | 71 FR 28082 |

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 2060-AK61

**3163. NESHAP: PRINTING AND  
 PUBLISHING INDUSTRY;  
 AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason              | Date     | FR Cite     |
|---------------------|----------|-------------|
| Direct Final Action | 05/24/06 | 71 FR 29792 |

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

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

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## EPA—Clean Air Act (CAA)

## Completed Actions

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**RIN:** 2060-AI66

**3164. NESHAP: AEROSPACE MANUFACTURING AND REWORK FACILITIES RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060-AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 2060-AK08

**3165. NESHAP: ETHYLENE OXIDE FOR STERILIZATION FACILITIES-RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 10/24/05 | 70 FR 61404 |
| Final Action | 05/07/06 | 71 FR 17712 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2060-AK09

**3166. NESHAP: GASOLINE DISTRIBUTION (STAGE I) RESIDUAL RISK AND MACT STANDARDS REVIEW**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/10/05 | 70 FR 46452 |
| Final Action | 04/06/06 | 71 FR 17352 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AK10

**3167. NESHAP: INDUSTRIAL PROCESS COOLING TOWERS RESIDUAL RISK STANDARDS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 10/24/05 | 70 FR 61411 |
| Final Action | 04/07/06 | 71 FR 17729 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AK16

**3168. NESHAP: NATIONAL EMISSION STANDARDS FOR MARINE TANK VESSEL LOADING OPERATIONS-RESIDUAL RISK STANDARD**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060-AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AK17

**3169. NESHAP: PERCHLOROETHYLENE DRY CLEANING FACILITIES RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason                          | Date     | FR Cite     |
|---------------------------------|----------|-------------|
| NPRM                            | 12/21/05 | 70 FR 75884 |
| Notice to Extend Comment Period | 02/06/06 | 71 FR 6030  |
| Final Action                    | 07/27/06 | 71 FR 42724 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

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**RIN:** 2060-AK18



## EPA—Clean Air Act (CAA)

## Completed Actions

**3170. NESHAP: SECONDARY LEAD SMELTING RESIDUAL RISK STANDARDS****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060–AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Iliam Rosario

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**RIN:** 2060–AK19**3171. NESHAP: SHIPBUILDING AND SHIP REPAIR SURFACE COATING—RESIDUAL RISK STANDARDS****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060–AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mohamed Serageldin

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**RIN:** 2060–AK20**3172. NESHAP: WOOD FURNITURE MANUFACTURING OPERATIONS—RESIDUAL RISK STANDARDS****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

| Reason                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Merged with RIN 2060–AN85, SAN 5093 | 09/18/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lynn Dail

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**RIN:** 2060–AK21**3173. NESHAP: MAGNETIC TAPE MANUFACTURING OPERATIONS RESIDUAL RISK STANDARD****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

| Reason            | Date     | FR Cite     |
|-------------------|----------|-------------|
| NPRM Final Action | 10/24/05 | 70 FR 61417 |
|                   | 04/07/06 | 71 FR 17720 |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lynn Dail

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**RIN:** 2060–AK23**3174. NESHAP: PRINTING AND PUBLISHING INDUSTRY—RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060–AN85, SAN 5093 | 09/15/06 |         |

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

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**RIN:** 2060–AK24**3175. NESHAP: PETROLEUM REFINERIES—RESIDUAL RISK STANDARDS****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060–AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bob Lucas

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**RIN:** 2060–AK25**3176. NATIONAL EMISSION STANDARDS FOR CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS—RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060–AN85, SAN 5093 | 09/15/06 |         |

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

## EPA—Clean Air Act (CAA)

## Completed Actions

**Government Levels Affected:** Federal, State

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**RIN:** 2060-AK72

**3177. NESHAP: GROUP I POLYMERS AND RESINS—RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Completed:**

| Reason                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Merged with RIN 2060-AN85, SAN 5093 | 09/18/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AK12

**3178. NESHAP: GROUP IV POLYMERS AND RESINS—RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** Not Yet Determined

**Completed:**

| Reason                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2060-AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AK15

**3179. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7) (COMPLETION OF A SECTION 610 REVIEW)**

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

**Legal Authority:** 42 USC 7412(r)

**CFR Citation:** 40 CFR 68

**Legal Deadline:** None

**Abstract:** In the October 2005 Regulatory Agenda, EPA stated that it would perform a review of the Accidental Release Prevention Requirements Rule per section 610 of the Regulatory Flexibility Act. No comments were received. EPA is now announcing the completion of that review. EPA has concluded that this rule should remain in effect without modification.

**BACKGROUND:** EPA promulgated the Accidental Release Prevention Requirements on June 20, 1996 (61 FR 31668), which apply to all stationary sources with process(es) that contain more than a threshold quantity of a regulated substance. Processes are divided into three categories: The potential for offsite consequences associated with a worst-case accidental release; accident history; or compliance with the prevention requirements under OSHA's Process Safety Management (PSM) regulations. Processes that have no potential impact on the public in the case of an accidental release have minimal requirements. For other processes, sources must implement a risk management program that includes more detailed requirements for hazard assessment, prevention, and emergency response. Processes in industry categories with a history of accidental releases and processes already complying with OSHA's PSM are subject to prevention program requirements that are almost identical to elements of the OSHA standard. All other processes are subject to streamlined prevention requirements. All sources must prepare a risk management plan (RMP) based on the risk management programs established at the source. The sources submit the

plan to EPA. The first submission of RMPs was due on June 20, 1999, with updates due on June 20, 2004. Some sources re-submitted their plans or revised their plans after the first submission. Approximately 15,000 sources are subject to the accidental release prevention regulations.

Based on the regulatory flexibility analysis for the 1993 proposal, EPA concluded that the rule would create a severe, adverse impact on small entities. In February 1995, EPA published a supplemental proposal to introduce a tiering approach for this regulation. By using the tiering approach and streamlining requirements for some of the regulated entities, the 1996 final rule resulted in significantly reduced impacts on small businesses. Entities with complex processes follow more rigorous requirements and those with simple processes follow streamlined requirements.

To further reduce the burden on covered facilities, including small business, EPA developed: (1) Industry-specific guidance for small, non-chemical sector businesses (i.e., water treatment facilities, ammonia refrigeration, propane retailers/distributors). These documents help facilities develop their risk management programs and RMPs; (2) an electronic program, RMP\*Submit, to facilitate the submissions, which incorporated more user friendly features and help menus to assist facilities, particularly those small- and medium-sized facilities with less expertise; and (3) a web-based tool to facilitate the reporting of those administrative changes required by the regulation to be updated with more frequency.

EPA amended the regulations which further reduced burden on small entities. On March 13, 2000, EPA modified the regulations to conform to the fuels provisions of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act. The rule was revised to exclude flammable substances when used as a fuel or held for sale as a fuel at a retail facility. This reduced burden on many small- to medium-sized facilities, particularly farms. On April 9, 2004, EPA revised the regulations to remove the regulatory requirement for covered facilities to include in the executive summaries of their RMPs a brief description of the

## EPA—Clean Air Act (CAA)

## Completed Actions

off-site consequence analysis for their facilities.

EPA has a Hotline; a Reporting Center public access number for questions on RMP\*Submit and RMP web-based reporting tools; a web-site; and a frequently asked questions database.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Begin Review       | 10/01/05 |         |
| End Comment Period | 01/02/06 |         |
| End Review         | 04/01/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5018; EPA Docket information: OAR-2005-0166

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**RIN:** 2050-AG26

**3180. • NESHAP: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS (REVISING THE EFFECTIVE DATE OF THE PARTICULATE MATTER STANDARD AMENDMENT)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412; 42 USC 7414

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

**Legal Deadline:** None

**Abstract:** EPA is amending the effective date of the standard for particulate matter for new cement kilns that burn hazardous waste while EPA reconsiders this provision in response to a petition for reconsideration that was submitted to the EPA Administrator. EPA promulgated this standard as part of the national

emissions standards for hazardous air pollutants for hazardous waste combustors that were issued on October 12, 2005. EPA has agreed to reconsider the provision and proposed to change it on March 23, 2006. This amendment of the October 2005 rule changes the provision's effective date so that the provision will not take effect until EPA takes final action on this proposal. This amendment does not affect other standards applicable to new or existing hazardous waste burning cement kilns.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/25/06 | 71 FR 62388 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5047.2; Split from RIN 2050-AG29.; EPA Docket information: EPA-HQ-OAR-2004-0022

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

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**RIN:** 2050-AG33

**3181. AMBIENT AIR QUALITY MONITORING REGULATIONS: REVISIONS**

**Priority:** Other Significant

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

**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 10/17/06 | 71 FR 61236 |
| Final Action Effective | 12/18/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

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**RIN:** 2060-AJ25

**3182. CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND ENGINES: ALTERNATIVE LOW-SULFUR HIGHWAY DIESEL FUEL TRANSITION PROGRAM FOR ALASKA**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 10/13/05 | 70 FR 59691 |
| Final Action | 06/06/06 | 71 FR 32450 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AJ72

**3183. PROTECTION OF STRATOSPHERIC OZONE: VARIOUS MINOR AMENDMENTS TO THE REGULATIONS IMPLEMENTING THE ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT, AND EXPORT**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

| Reason              | Date     | FR Cite     |
|---------------------|----------|-------------|
| NPRM                | 07/20/06 | 71 FR 41192 |
| Direct Final Action | 07/20/06 | 71 FR 41163 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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## EPA—Clean Air Act (CAA)

## Completed Actions

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**3184. NESHAP: FERROALLOYS PRODUCTION: FERROMANGANESE AND SILICOMANGANESE RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 40 CFR 63

**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060-AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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RIN: 2060-AL93

**3185. MINERAL WOOL PRODUCTION RESIDUAL RISK STANDARD**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 40 CFR 63.1175 to 63.1199

**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060-AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AL96

**3186. 5-YEAR REVIEW OF MACT STANDARDS FOR LARGE MWC**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 40 CFR 60

**Completed:**

| Reason            | Date                 | FR Cite                    |
|-------------------|----------------------|----------------------------|
| NPRM Final Action | 12/19/05<br>05/10/06 | 70 FR 75348<br>71 FR 27324 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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RIN: 2060-AL97

**3187. NESHAP FOR FLEXIBLE POLYURETHANE FOAM PRODUCTION: RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 40 CFR 63

**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060-AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AL99

**3188. NESHAP: PHARMACEUTICALS PRODUCTION: RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 40 CFR 63

**Completed:**

| Reason  | Date     | FR Cite |
|---|----------|---------|
| Withdrawn – Merged into RIN 2060-AN85, SAN 5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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RIN: 2060-AM00

**3189. NESHAP: AREA SOURCE STANDARDS—PAINT STRIPPING**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 40 CFR 63

**Completed:**

| Reason                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2060-AN21, SAN 4978 | 10/10/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AM07

**3190. NESHAP: AREA SOURCE STANDARDS—ACRYLIC/MODACRYLIC FIBER (AMF) PRODUCTION**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 40 CFR 63

## EPA—Clean Air Act (CAA)

## Completed Actions

**Completed:**

| Reason                                    | Date     | FR Cite |
|---|----------|---------|
| Merged With RIN<br>2060-AN44, SAN<br>5012 | 10/10/07 |         |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Randy McDonald

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**RIN:** 2060-AM13**3191. PROTECTION OF STRATOSPHERIC OZONE: RESTRICTION ON THE SALES OF PRE-CHARGED SPLIT SYSTEMS****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/08/06 |         |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Jabeen Akhtar

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**RIN:** 2060-AM15**3192. NESHAP: OIL AND NATURAL GAS PRODUCTION RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63.760 to 63.779**Completed:**

| Reason   | Date     | FR Cite |
|--|----------|---------|
| Withdrawn - Merged<br>into RIN<br>2060-AN85, SAN<br>5093 | 09/15/06 |         |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Greg Nizich

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**RIN:** 2060-AM18**3193. AMENDMENTS TO VEHICLE INSPECTION AND MAINTENANCE PROGRAM REQUIREMENTS TO ADDRESS NEW 8-HOUR OZONE STANDARD****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 51**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 01/06/05 | 70 FR 1314  |
| Final Action | 04/07/06 | 71 FR 17705 |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** Dave Sosnowski

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**RIN:** 2060-AM21**3194. NESHAP: TOTAL FACILITY LOW RISK DETERMINATION (TFLRD) FOR RESIDUAL RISK****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/01/06 |         |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Scott Jenkins

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**RIN:** 2060-AM22**3195. FIRE SUPPRESSION AND EXPLOSION PROTECTION LISTING UNDER SNAP****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 82**Completed:**

| Reason              | Date     | FR Cite     |
|---------------------|----------|-------------|
| NPRM                | 09/27/06 | 71 FR 56422 |
| Direct Final Action | 09/27/06 | 71 FR 56360 |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bella Maranion

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**RIN:** 2060-AM24**3196. NESHAP: HYDROCHLORIC ACID PRODUCTION AMENDMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63 (revision)**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/24/05 | 70 FR 49530 |
| Final Action | 04/07/06 | 71 FR 17738 |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bill Maxwell

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**RIN:** 2060-AM25

## EPA—Clean Air Act (CAA)

## Completed Actions

**3197. REQUIREMENTS FOR TRANSMIX PROCESSING AND BLENDING UNDER THE REFORMULATED GASOLINE AND GASOLINE SULFUR RULES**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 80

**Completed:**

| Reason                           | Date     | FR Cite |
|----------------------------------|----------|---------|
| Withdrawn (Merged With SAN 4930) | 09/28/06 |         |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AM27

**3198. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: AMENDMENTS TO EVAPORATIVE EMISSIONS REGULATIONS AND TECHNICAL AMENDMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 9; 40 CFR 86

**Completed:**

| Reason              | Date     | FR Cite     |
|---------------------|----------|-------------|
| Direct Final Action | 12/08/05 | 70 FR 72917 |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AM32

**3199. PREVENTION OF SIGNIFICANT DETERIORATION FOR NITROGEN OXIDES**

Priority: Other Significant

CFR Citation: 40 CFR 51; 40 CFR 52

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 02/23/05 | 70 FR 8880  |
| Final Action | 10/12/05 | 70 FR 59582 |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

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RIN: 2060-AM33

**3200. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING; AMENDMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

**Completed:**

| Reason                                   | Date     | FR Cite     |
|--|----------|-------------|
| NPRM                                     | 12/08/05 | 70 FR 73098 |
| Final Action – Compliance Date Extension | 03/01/06 | 71 FR 10439 |
| Final Action on Litigation Issues        | 07/14/06 | 71 FR 40316 |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AM43

**3201. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR ARCHITECTURAL COATINGS—AMENDMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR Part 59 Subpart D

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/28/06 |         |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060-AM47

**3202. CONTROL OF ULTRA LOW SULFUR DIESEL FUEL LUBRICITY: NOTICE OF PROPOSED RULEMAKING**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 86

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/08/06 |         |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060-AM48

**3203. AREA SOURCE NESHAP FOR PRIMARY NONFERROUS METALS—ZN, CD, BE**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

**Completed:**

| Reason                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Merged into RIN 2060-AN85, SAN 5093 | 09/18/06 |         |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AM69

## EPA—Clean Air Act (CAA)

## Completed Actions

**3204. NESHAP: INTEGRATED IRON AND STEEL; AMENDMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/30/05 | 70 FR 51306 |
| Final Action | 07/13/06 | 71 FR 39579 |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Phil Mulrine

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**RIN:** 2060-AM76**3205. NESHAP: ORGANIC LIQUID DISTRIBUTION-AMENDMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 07/28/06 | 71 FR 42898 |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Brenda Shine

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**RIN:** 2060-AM77**3206. STANDARDS OF PERFORMANCE FOR STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 60.4200**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 07/11/05 | 70 FR 39870 |
| Final Action | 07/11/06 | 71 FR 39154 |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Agency Contact:** Jaime Pagan

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**RIN:** 2060-AM82**3207. REGULATION OF FUELS AND FUEL ADDITIVES: REFINER AND IMPORTER QUALITY ASSURANCE REQUIREMENTS FOR DOWNSTREAM OXYGENATE BLENDING****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 80**Completed:**

| Reason              | Date     | FR Cite     |
|---------------------|----------|-------------|
| NPRM                | 06/02/06 | 71 FR 32015 |
| Direct Final Action | 06/02/06 | 71 FR 31947 |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Marilyn Bennett

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**RIN:** 2060-AM88**3208. PART 63 GENERAL PROVISIONS—RESPONSE TO PETITION TO RECONSIDER SSM****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 07/29/05 | 70 FR 43992 |
| Final Action | 04/20/06 | 71 FR 20446 |

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

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**RIN:** 2060-AM89**3209. NESHAP FOR REFRACTORY PRODUCTS MANUFACTURING—AMENDMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

| Reason                          | Date     | FR Cite     |
|---------------------------------|----------|-------------|
| Withdrawal of Direct Final Rule | 04/14/06 | 71 FR 19435 |

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

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**RIN:** 2060-AM90**3210. INCLUSION OF DELAWARE AND NEW JERSEY IN THE CLEAN AIR INTERSTATE RULE****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 51; 40 CFR 72; 40 CFR 73; 40 CFR 74; 40 CFR 77; 40 CFR 78; 40 CFR 96**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 05/12/05 | 70 FR 25408 |
| NODA         | 06/28/05 | 70 FR 37068 |
| Final Action | 04/28/06 | 71 FR 25288 |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.**Agency Contact:** Jan King

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## EPA—Clean Air Act (CAA)

## Completed Actions

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**RIN:** 2060-AM95

**3211. RULE ON SECTION 126 PETITION FROM NC TO REDUCE INTERSTATE TRANSPORT OF FINE PM AND O<sub>3</sub>; FIPS TO REDUCE INTERSTATE TRANSPORT OF FINE PM & O<sub>3</sub>; REVISIONS TO CAIR RULE; REVISIONS TO ACID RAIN PROGRAM**

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

**CFR Citation:** 40 CFR 52

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/24/05 | 70 FR 49708 |
| Final Action | 04/28/06 | 71 FR 25328 |

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

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**RIN:** 2060-AM99

**3212. NESHAP: PLASTIC PARTS AND PRODUCTS (SURFACE COATING)—AREA SOURCE RULE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2060-AN21, SAN 4978 | 10/10/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2060-AN08

**3213. REGIONAL HAZE REGULATIONS; REVISIONS TO PROVISIONS GOVERNING ALTERNATIVE TO SOURCE-SPECIFIC BEST AVAILABLE RETROFIT TECHNOLOGY (BART) DETERMINATIONS**

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

**CFR Citation:** 40 CFR 51.308(e)(2); 40 CFR 51.309; 40 CFR 51 App Y (New)

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/13/06 | 71 FR 60612 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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**RIN:** 2060-AN22

**3214. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2006**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 04/11/06 | 71 FR 18262 |
| Final Action | 10/04/06 | 71 FR 58504 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AN29

**3215. CAMR 111 RECONSIDERATION AND REVISION OF 112(N) FINDING RECONSIDERATION**

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

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

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 10/28/05 | 70 FR 62213 |
| Final Action | 06/09/06 | 71 FR 33388 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

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

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**RIN:** 2060-AN50

**3216. REVISION OF 112(N) FINDING RECONSIDERATION**

**Priority:** Other Significant

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

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 10/28/05 | 70 FR 62200 |
| Final Action | 06/09/06 | 71 FR 33388 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

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## EPA—Clean Air Act (CAA)

## Completed Actions

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RIN: 2060-AN53

### 3217. NSPS COMBUSTION TURBINES-SUBPART GG: AMENDMENTS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 60

**Completed:**

| Reason                        | Date     | FR Cite    |
|-------------------------------|----------|------------|
| Notice: Technical Corrections | 02/24/06 | 71 FR 9453 |
| Direct Final Action           | 02/24/06 | 71 FR 9504 |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AN55

### 3218. RULE TO REDUCE INTERSTATE TRANSPORT OF FINE PARTICULATE MATTER AND OZONE (CLEAN AIR INTERSTATE RULE): RECONSIDERATION

**Priority:** Substantive, Nonsignificant

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

**Completed:**

| Reason                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| Supplemental Reconsideration | 12/29/05 | 70 FR 77101 |
| Reconsideration              | 04/28/06 | 71 FR 25304 |
| Final Action                 | 04/28/06 | 71 FR 25304 |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AN57

### 3219. PM2.5 DE MINIMIS EMISSION LEVELS FOR GENERAL CONFORMITY APPLICABILITY

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 51; 40 CFR 93

**Completed:**

| Reason              | Date     | FR Cite     |
|---------------------|----------|-------------|
| NPRM                | 04/05/06 | 71 FR 17047 |
| Direct Final Action | 04/05/06 | 71 FR 17003 |
| Withdraw DFA        | 06/01/06 | 71 FR 31092 |
| Final Action        | 07/17/06 | 71 FR 40420 |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

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

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RIN: 2060-AN60

### 3220. NESHAP FOR MISCELLANEOUS COATING MANUFACTURING; AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 05/17/06 | 71 FR 28639 |
| Final Action | 10/04/06 | 71 FR 58499 |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AN61

### 3221. DETERIORATION FACTOR PROVISIONS FOR HEAVY-DUTY DIESEL ENGINE CERTIFICATION AND PART 86 TECHNICAL AMENDMENTS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 86.004-28; 40 CFR 86.007-11

**Completed:**

| Reason              | Date     | FR Cite     |
|---------------------|----------|-------------|
| Direct Final Action | 08/30/06 | 71 FR 51481 |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AN70

### 3222. TECHNICAL AMENDMENTS TO THE HIGHWAY AND NONROAD DIESEL REGULATIONS

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

**CFR Citation:** 40 CFR 80

**Completed:**

| Reason              | Date     | FR Cite     |
|---------------------|----------|-------------|
| Direct Final Action | 05/01/06 | 71 FR 25706 |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AN78

### 3223. • AMENDMENTS TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS (PS-1)-CORRECTIONS NOTICE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA sec 111

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** This action proposes to clarify and update requirements for source owners and operators who must install and use continuous stack or duct

## EPA—Clean Air Act (CAA)

## Completed Actions

opacity monitoring equipment. This action also proposes amendments regarding design and performance validation requirements for continuous opacity monitoring system (COMS) equipment in appendix B, PS-1. These amendments to subpart A and PS-1 will not change the affected facilities' applicable emission standards or requirement to monitor. The amendments will: (1) Clarify owner and operator and monitor vendor obligations, (2) reaffirm and update COMS design and performance requirements, and (3) provide EPA and affected facilities with equipment assurances for carrying out effective monitoring. The specifications shall

apply to all COMS installed or replaced after the date of promulgation. Following promulgation, a source owner, operator, or manufacturer will be subject to these performance specifications if installing a new COMS, relocating a COMS, replacing a COMS, re-certifying a COMS that has undergone substantial refurbishing, or has been specifically required to re-certify the COMS with these revisions.

**Timetable:**

| Action            | Date     | FR Cite     |
|-------------------|----------|-------------|
| Notice—Correction | 06/01/06 | 71 FR 31100 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3744.1; EPA publication information: Notice - Correction - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-01/a8397.htm>; Split from RIN 2060-AG22.

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**RIN:** 2060-AN89

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Atomic Energy Act (AEA)

### 3224. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE DISPOSAL OF LOW-ACTIVITY MIXED RADIOACTIVE WASTE

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 193

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| ANPRM  | 11/18/03 | 68 FR 65120 |
| NPRM   | 06/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4054; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-18/f28651.htm>;

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**RIN:** 2060-AH63

### 3225. TECHNICAL CHANGE TO DOSE METHODOLOGY FOR 40 CFR 190, SUBPART B AND 40 CFR 191, SUBPART A

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The purpose of this action is to make a technical change to the dose methodology used in subpart A of 40 CFR 191, entitled Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level Waste, and Transuranic Waste. The current methodology is outdated. The dose methodology used in the rule published on September 19, 1985, was based on the target organ approach recommended by the International Commission on Radiological Protection (ICRP) in Report No. 2. Since that time science has progressed and a new methodology based on an effective dose equivalent approach is currently being recommended by the ICRP in Report No. 26. This action would update the 40 CFR 191, subpart A dose limits published in 1985 from the target organ to the state-of-the-art effective dose equivalent system. There would be no change in the level of protection, just the scientific methodology for determining compliance with the levels of protection established in 1985.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4003;

**Agency Contact:** Ray Clark, Environmental Protection Agency, Air

**EPA—Atomic Energy Act (AEA)****Proposed Rule Stage**and Radiation, 6608J, Washington, DC  
20460Phone: 202 343-9198  
Fax: 202 343-2065Email: clark.ray@epamail.epa.gov  
RIN: 2060-AH90**Environmental Protection Agency (EPA)  
Atomic Energy Act (AEA)****Final Rule Stage****3226. AMENDMENT OF THE  
STANDARDS FOR RADIOACTIVE  
WASTE DISPOSAL IN YUCCA  
MOUNTAIN, NEVADA****Regulatory Plan:** This entry is Seq. No.  
120 in part II of this issue of the  
**Federal Register**.

RIN: 2060-AN15

**Environmental Protection Agency (EPA)****Prerule Stage****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****3227. ENDOCRINE DISRUPTER  
SCREENING PROGRAM (EDSP);  
IMPLEMENTING THE SCREENING  
AND TESTING PHASE****Regulatory Plan:** This entry is Seq. No.  
98 in part II of this issue of the **Federal  
Register**.

RIN: 2070-AD61

**Abstract:** In 2004, the Agency stated  
that it considered prions (proteinaceous  
infectious particles) to be a “pest”  
under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
(FIFRA). The Agency is further  
reviewing the relationship of prions to  
FIFRA and considering whether any  
additional or different approaches to  
prions or products intended to prevent,  
destroy, repel or mitigate prions are  
appropriate or necessary under FIFRA.  
The Agency may issue an ANPRM to  
seek comment and foster discussion of  
this issue.**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| ANPRM  | 08/00/07 |         |

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4985;**Agency Contact:** Carlton Kemptner,  
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Office of Prevention, Pesticides and  
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RIN: 2070-AJ26

**3228. PESTICIDES; DETERMINATION  
OF STATUS OF PRIONS AS PESTS****Priority:** Other Significant**Legal Authority:** 7 USC 136; 7 USC  
136w**CFR Citation:** 40 CFR 152**Legal Deadline:** None**Environmental Protection Agency (EPA)****Proposed Rule Stage****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****3229. PESTICIDES; DATA  
REQUIREMENTS FOR  
ANTIMICROBIALS****Priority:** Other Significant**Legal Authority:** 7 USC 136 to 136y**CFR Citation:** 40 CFR 158**Legal Deadline:** None**Abstract:** EPA will update and revise  
its pesticide data requirements for  
antimicrobial pesticide products. The  
revisions will codify data requirements  
to reflect current regulatory and  
scientific standards. The data  
requirements will cover all scientific  
disciplines for antimicrobial pesticides,including product chemistry and  
residue chemistry, toxicology,  
environmental fate and effects, and  
efficacy.**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/07 |         |

**Regulatory Flexibility Analysis  
Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4173;**Sectors Affected:** 32519 Other Basic  
Organic Chemical Manufacturing;32551 Paint and Coating  
Manufacturing; 32532 Pesticide and  
Other Agricultural Chemical  
Manufacturing; 32561 Soap and  
Cleaning Compound Manufacturing**URL For More Information:**[www.epa.gov/pesticides/regulating/  
data.htm](http://www.epa.gov/pesticides/regulating/data.htm)**Agency Contact:** Paul Parsons,  
Environmental Protection Agency,  
Office of Prevention, Pesticides and  
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## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Proposed Rule Stage

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RIN: 2070-AD30

### 3230. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEIN GENES

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants based on viral coat protein genes to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel or mitigate any pest.” These substances are also “pesticide chemical residues” under the Federal Food, Drug, and Cosmetic Act (FFDCA). Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants based on viral coat protein genes from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

#### Timetable:

| Action              | Date     | FR Cite     |
|---------------------|----------|-------------|
| NPRM                | 11/23/94 | 59 FR 60496 |
| Supplemental NPRM 1 | 07/22/96 | 61 FR 37891 |
| Supplemental NPRM 2 | 05/16/97 | 62 FR 27132 |
| Supplemental NPRM 3 | 04/23/99 | 64 FR 19958 |
| Supplemental NPRM 4 | 07/19/01 | 66 FR 37855 |
| Reproposal          | 03/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4602; EPA publication information: Supplemental NPRM 3-Request for Comment on Alternate Name; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

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

#### URL For More Information:

[www.epa.gov/pesticides/biopesticides/pips/index.htm](http://www.epa.gov/pesticides/biopesticides/pips/index.htm)

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RIN: 2070-AD49

### 3231. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS

**Regulatory Plan:** This entry is Seq. No. 108 in part II of this issue of the **Federal Register**.

RIN: 2070-AJ20

### 3232. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

**Regulatory Plan:** This entry is Seq. No. 109 in part II of this issue of the **Federal Register**.

RIN: 2070-AJ22

### 3233. PESTICIDES; DATA REQUIREMENTS FOR PLANT-INCORPORATED PROTECTANTS (PIPS)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136a; 7 USC 136w

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA intends to propose codifying data requirements for the pesticide registration of plant-incorporated protectants (PIPs). These data requirements are intended to provide EPA with data and other information necessary for the registration of PIPs. These requirements would improve the Agency's ability to make regulatory decisions about the human health and environmental effects of these products. By codifying data requirements specific to PIPs, the regulated community would have a better understanding of and could better prepare for the registration process. This proposed rule is one in a series of proposals to update and clarify pesticide data requirements.

#### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 07/00/07 |         |

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 5005

**Agency Contact:** Kristen Brush, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460  
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RIN: 2070-AJ27

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

## Proposed Rule Stage

**3234. PESTICIDES; EXPANSION OF CROP GROUPING PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 346a**CFR Citation:** 40 CFR 180**Legal Deadline:** None

**Abstract:** EPA is revising the pesticide crop grouping regulations to create new crop groupings, add new subgroups, and expand existing crop groups by adding new commodities. EPA expects these revisions to promote greater use of crop grouping for tolerance-setting purposes and to facilitate the availability of pesticides for minor crop uses. This proposal is the first one in a series of proposals for revisions to crop grouping regulations.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5031

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**RIN:** 2070-AJ28**3235. PESTICIDE AGRICULTURAL CONTAINER RECYCLING PROGRAM**

**Regulatory Plan:** This entry is Seq. No. 110 in part II of this issue of the **Federal Register**.

**RIN:** 2070-AJ29

**3236. • REGULATIONS TO FACILITATE COMPLIANCE WITH THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT BY PRODUCERS OF PLANT-INCORPORATED PROTECTANTS (PIPS)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136 et seq

**CFR Citation:** 40 CFR 174; 40 CFR 152; 40 CFR 156; 40 CFR 167; 40 CFR 168; 40 CFR 169; 40 CFR 172

**Legal Deadline:** None

**Abstract:** Plant-Incorporated Protectants (PIPs) are pesticidal substances intended to be produced and used in living plants and the genetic material needed for their production. EPA has been regulating PIPs under FIFRA, including issuing experimental use permits and commercial registrations, for over 10 years, with the first commercial registration of a PIP under FIFRA issued in 1995. On July 19, 2001, EPA published rules establishing much of the current regulatory structure for PIPs. This rulemaking effort is intended to address the issues that were not addressed in 2001, including defining the nature of regulated production of PIPs and associated issues such as reporting, product labeling, and

recordkeeping. The rule will affect those persons who produce PIPs and is expected to clarify the legal requirements of their products at various production phases, improving their ability to conduct business. It is expected to also improve the ability of the EPA to identify and respond to instances where there are potentially significant violations. EPA also intends to address activities that the Agency does not believe warrant regulation and will consider exempting those activities, as appropriate, from FIFRA in whole or in part.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 5082

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**RIN:** 2070-AJ32

## Environmental Protection Agency (EPA)

## Final Rule Stage

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

**3237. PESTICIDES; DATA REQUIREMENTS FOR CONVENTIONAL CHEMICALS**

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

**RIN:** 2070-AC12**3238. PESTICIDES; DATA REQUIREMENTS FOR BIOCHEMICAL AND MICROBIAL PRODUCTS**

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

**RIN:** 2070-AD51**3239. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE**

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

**Legal Authority:** 7 USC 136(a) "FIFRA sec 3"; 7 USC 136(w)

**CFR Citation:** 40 CFR 152.170**Legal Deadline:** None

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

Final Rule Stage

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

original concept and framework of Pesticide Management Plans and these programs are operational today. This experience and growth in knowledge has exceeded the requirements and specifications of the original proposal. Accordingly, EPA intends to withdraw the proposed rule in the near future.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 06/26/96 | 61 FR 33259 |
| Notice                     | 02/23/00 | 65 FR 8925  |
| Supplemental NPRM          | 03/24/00 | 65 FR 15885 |
| Notice: Withdrawal of NPRM | 12/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3222; EPA publication information: Notice-Notice of Availability regarding Metolachlor

**Sectors Affected:** 9241 Administration of Environmental Quality Programs

**Agency Contact:** Charles Evans, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

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**RIN:** 2070-AC46

## Environmental Protection Agency (EPA)

Long-Term Actions

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

**3240. PESTICIDES; TOLERANCE PROCESSING FEES**

**Priority:** Other Significant

**Legal Authority:** 21 USC 346(a)

**CFR Citation:** 40 CFR 180; 40 CFR 178

**Legal Deadline:** None

**Abstract:** Section 408(m) of the Federal Food, Drug, and Cosmetic Act requires EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying, leaving in effect, or revoking a tolerance or tolerance exemption. EPA developed a final rule that would have adjusted the fee structure and fee amounts for tolerance actions. A final rule completed OMB review on December 31, 2003, but has not been issued because the Consolidated Appropriations Act of 2004, signed on January 23, 2004, prohibits EPA from collecting any tolerance fees until September 30, 2008. This prohibition was expanded in 2005 to include a prohibition on using Federal funding to perform any work on a final tolerance fee rulemaking. As such, no rulemaking activities are currently planned.

**Timetable:**

| Action            | Date             | FR Cite     |
|-------------------|------------------|-------------|
| NPRM              | 06/09/99         | 64 FR 31039 |
| Supplemental NPRM | 07/24/00         | 65 FR 45569 |
| Supplemental NPRM | 08/31/00         | 65 FR 52979 |
| Final Action      | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4027; EPA publication information: NPRM-Pesticides-Tolerance Processing Fees

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

**URL For More Information:**

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

**Agency Contact:** Lindsay Moose, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7501P, Washington, DC 20460

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**RIN:** 2070-AJ23

**3241. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is withdrawing this proposed action because the original proposal was issued in 1994 and the Agency has determined that the record does not address the recent scientific information developed since the original proposal. Consequently, the record would not provide adequate, up-to-date support for the proposed rule. If EPA were to pursue such an exemption, the Agency would issue a new proposed rule. However, withdrawing the 1994 proposal does not preclude EPA's pursuing the same approach in the future. In addition, EPA's priorities have changed since 1994. At that time, EPA believed that an exemption for PIPs derived through genetic engineering from plants sexually compatible with the recipient plant had the potential to cover a number of low-risk products. However, experience in the last decade has shown that such PIPs have not been

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

## Long-Term Actions

developed in great numbers. In light of the expected limited utility of such an exemption, EPA does not consider it prudent to expend resources for an exemption that would likely benefit only very few entities. Should the Agency decide to pursue such a rulemaking in the future, EPA will create a new entry for that effort in the Regulatory Agenda.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4611; EPA publication information: Supplemental NPRM 3-Request for Comment on Alternate Name; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

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

**URL For More Information:**

[www.epa.gov/pesticides/biopesticides/pips/index.htm](http://www.epa.gov/pesticides/biopesticides/pips/index.htm)

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**RIN:** 2070-AD55

**3242. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is withdrawing this proposed action because the original proposal was issued in 1994 and the Agency has determined that the record does not address the recent scientific information developed since the original proposal. Consequently, the record would not provide adequate, up-to-date support for the proposed rule.

If EPA were to pursue such an exemption, the Agency would issue a new proposed rule. However, withdrawing the 1994 proposal does not preclude EPA's pursuing the same approach in the future. At that time, EPA will create a new entry for that effort in the regulatory agenda.

**Timetable:**

| Action                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| NPRM Original          | 11/23/94 | 59 FR 60496 |
| Supplemental NPRM      | 07/22/96 | 61 FR 37891 |
| Supplemental NPRM<br>2 | 05/16/97 | 62 FR 27132 |
| Supplemental NPRM<br>3 | 04/23/99 | 64 FR 19958 |
| Supplemental NPRM<br>4 | 07/19/01 | 66 FR 37855 |
| Notice—Withdrawal      | To Be    | Determined  |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**Sectors Affected:** 111 Crop Production; 32532 Pesticide and Other Agricultural

Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

**URL For More Information:**

[www.epa.gov/pesticides/biopesticides/pips/index.htm](http://www.epa.gov/pesticides/biopesticides/pips/index.htm)

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**RIN:** 2070-AD56

**3243. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** EPA is preparing a revision of the Rules of Practice governing the conduct of licensing adjudications under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The existing Rules of Practice were originally promulgated by EPA in 1973. In the subsequent 30 years, Congress has substantially amended FIFRA, creating a number of additional types of licensing adjudications which are not expressly provided for in the existing Rules of Practice. In order to include provisions tailored to these new types of proceedings, and to incorporate the standard practices which have evolved and the precedents which have been established since these rules were first promulgated, EPA intends to revise the FIFRA Rules of Practice.

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

## Long-Term Actions

**Timetable:**

| Action       | Date             | FR Cite |
|--------------|------------------|---------|
| NPRM         | 01/00/08         |         |
| Final Action | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4618;**Sectors Affected:** 112 Animal Production; 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing**Agency Contact:** Scott Garrison, Environmental Protection Agency, 2333A, Washington, DC 20460  
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Phone: 202 564-5636  
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Email: perlis.robert@epamail.epa.gov**RIN:** 2020-AA44**3244. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(a)(h); 7 USC 136(w)**CFR Citation:** 40 CFR 152**Legal Deadline:** Final, Statutory, September 15, 2000, The Final Rule is due 240 days after close of comment period.**Abstract:** This regulation will specify antimicrobial registration reforms that will reduce to the extent possible the review time for antimicrobial pesticides. The regulation will clarify criteria for completeness of applications, and will specify or refer to a definition of the various classes of antimicrobial pesticide use patterns and the associated data and labeling requirements that would be consistent with the degree and type of risk presented by each class. In addition, the regulation will also include labeling standards for public health antimicrobial products.**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3892; EPA publication information: NPRM-Reg. Require. for Anti Pest. Products/Other Pest Reg Changes**Sectors Affected:** 32519 Other Basic Organic Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32561 Soap and Cleaning Compound Manufacturing**URL For More Information:**<http://www.epa.gov/oppad001/regpolicy.htm>**Agency Contact:** Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460  
Phone: 703 305-5944  
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## Environmental Protection Agency (EPA)

## Completed Actions

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

**3245. PESTICIDE TOLERANCE REASSESSMENT PROGRAM****Priority:** Routine and Frequent**CFR Citation:** 40 CFR 180**Completed:**

| Reason       | Date     | FR Cite |
|--------------|----------|---------|
| Announcement | 08/03/06 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Robert McNally  
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**RIN:** 2070-AD24**3246. PESTICIDE MANAGEMENT AND DISPOSAL; STANDARDS FOR PESTICIDE CONTAINERS AND CONTAINMENT****Priority:** Other Significant**CFR Citation:** 40 CFR 156; 40 CFR 165**Completed:**

| Reason                                      | Date     | FR Cite     |
|---|----------|-------------|
| Supplemental NPRM 1                         | 10/21/99 | 64 FR 56918 |
| Supplemental NPRM 2                         | 12/21/99 | 64 FR 71368 |
| Notice: Partial Reopening of Comment Period | 06/30/04 | 69 FR 39392 |

| Reason                              | Date     | FR Cite     |
|-------------------------------------|----------|-------------|
| Notice: Extension of Comment Period | 08/13/04 | 69 FR 50114 |
| Final Action                        | 08/16/06 | 71 FR 47329 |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Nancy Fitz  
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## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Completed Actions

**3247. PESTICIDES; PROCEDURES FOR THE REGISTRATION REVIEW PROGRAM****Priority:** Other Significant**CFR Citation:** 40 CFR 155**Completed:**

| Reason | Date     | FR Cite     |
|--------|----------|-------------|
| ANPRM  | 04/26/00 | 65 FR 24586 |

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| NPRM                   | 07/13/05 | 70 FR 40251 |
| Notice of Availability | 08/17/05 | 70 FR 48356 |
| Final Action           | 08/09/06 | 71 FR 45720 |

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

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**RIN:** 2070-AD29**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)**

## Prerule Stage

**3248. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2601 et seq (TSCA)**CFR Citation:** None**Legal Deadline:** None

**Abstract:** This is a voluntary program to evaluate commercial chemicals to which children may have a high likelihood of exposure. Designed with extensive stakeholder participation, the purpose of this voluntary program is to obtain toxicity and exposure data needed to assess the risk of childhood exposure to commercial chemicals. EPA launched a pilot of this program on December 26, 2000. Manufacturers of 20 of the 23 pilot chemicals have volunteered to sponsor their chemicals in tier 1 in the pilot. A workshop was held in December 2001, to provide sponsors with additional guidance on the scope and content of the exposure assessments they will prepare. A peer consultation process is being used to evaluate the scientific merits of the hazard, exposure, and risk assessments submitted by sponsors. Assessments for nine chemicals have been evaluated in the peer consultation process. Information on VCCEP and the chemical assessments submitted to date are available to the public at [www.epa.gov/chemrtk/vccep1](http://www.epa.gov/chemrtk/vccep1). Although not currently involving a rulemaking, EPA has included this pilot program in the regulatory agenda to inform the public about activities like this related to its chemical testing program.

**Timetable:**

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| Notice: Initiation of Stakeholder Process & Public Meeting | 08/26/99 | 64 FR 46673 |
| Notice: Stakeholder Involvement Process & Public Meeting   | 03/29/00 | 65 FR 16590 |
| Notice Announcing VCCEP & Pilot                            | 12/26/00 | 65 FR 81700 |
| Notice: Pilot Evaluation Request for Feedback              | 12/00/06 |             |

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

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**RIN:** 2070-AC27**3249. NANOSCALE MATERIALS UNDER TSCA****Priority:** Other Significant**Legal Authority:** 15 USC 2601 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** Nanoscale materials are chemical substances containing structures on the scale of approximately 1 to 100 nanometers, and may have different molecular organizations and properties than the same chemical substances on a larger scale. Because such materials may have novel properties and present novel issues, evaluating and managing health and environmental risks of nanoscale materials poses a new challenge. Under the Toxic Substances Control Act, EPA has the authority to require the development of data adequate for the assessment of chemical substances and mixtures from persons that manufacture or process them, and to prevent and eliminate unreasonable risk of injury to human health and environment from chemical substances and mixtures. The Office of Pollution Prevention and Toxics (OPPT) is establishing a voluntary program to assemble existing data and information from manufacturers and processors of certain nanoscale materials. With this assembled material, EPA will take appropriate steps to protect human health and the environment from unreasonable risk from these substances. Last year, the Agency announced that it was considering the establishment of such a program, described as the Nanotech Stewardship Program, and discussed potential aspects of such a program in a public meeting with stakeholders in June 2005, and with the National Pollution Prevention and Toxics Advisory Committee (NPPTAC) in September

## EPA—Toxic Substances Control Act (TSCA)

Prerule Stage

2005. (NPPTAC is the national advisory body established under the Federal Advisory Committee Act to provide advice, information and recommendations on the overall policy and operation of programs managed by OPPT.) In addition to the development of a document that describes the specific elements of the voluntary program, the Agency intends to develop other materials for which it will seek stakeholder input. This includes an updated document that describes the approach to nanoscale materials under TSCA that was made available last

year, and a paper that describes the inventory status of nanoscale materials.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| Draft  | 12/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 5058

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**RIN:** 2070-AJ30

## Environmental Protection Agency (EPA)

Proposed Rule Stage

## Toxic Substances Control Act (TSCA)

**3250. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTIONS FROM THE PROHIBITIONS AGAINST MANUFACTURING, PROCESSING, AND DISTRIBUTION IN COMMERCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2605 "TSCA 6(e)(3)(B)"

**CFR Citation:** 40 CFR 761

**Legal Deadline:** None

**Abstract:** Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions against manufacturing, processing and distribution in commerce of PCBs upon finding that 1) no unreasonable risk to health or the environment will occur, and 2) good faith efforts have been made by the petitioner to develop a substitute for PCB which does not pose an unreasonable risk of injury to health or the environment.

**Timetable:**

| Action                 | Date     | FR Cite |
|------------------------|----------|---------|
| NPRM: New DOD Petition | 12/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 2150

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

**URL For More Information:**

www.epa.gov/pcb

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**RIN:** 2070-AB20

**3251. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of four chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list

of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. In addition, this action would require manufacturers and processors to develop data for these chemicals that will be used by EPA under the Clean Air Act (CAA) to evaluate residual risks from hazardous air pollutants (HAPs) on the list of HAPs in the CAA under section 112(f), 42 U.S.C. 7412(f) and sections 112(d) and e). Data from this action would also be used to support implementation of several provisions of section 112 of the CAA including: determining risks remaining after the application of technology based standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed (delisted) from section (b)(1) of the CAA list of HAPs.

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 10/20/06 | 71 FR 61926 |
| NPRM Comment Period End | 12/19/06 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2563**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**

www.epa.gov/oppt/chemtest

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**RIN:** 2070-AB79**3252. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS****Regulatory Plan:** This entry is Seq. No. 107 in part II of this issue of the Federal Register.**RIN:** 2070-AD16**3253. SIGNIFICANT NEW USE RULE (SNUR); SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604 "TSCA 5"**CFR Citation:** 40 CFR 704; 40 CFR 721; 40 CFR 707; 40 CFR 710**Legal Deadline:** None**Abstract:** In support of the residential upholstered furniture (RUF) flammability standards under

consideration by the Consumer Product Safety Commission (CPSC), EPA would propose a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals for use in RUF. The SNUR would require companies intending to import, manufacture or process these chemicals for use as a flame retardant in RUF to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities. The required notice will provide EPA with the opportunity to evaluate their use as flame retardant chemicals in RUF, and if necessary to prohibit or limit such activity before it occurs to prevent any unreasonable risk of injury to human health or the environment.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/07 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4512; EPA Docket information: EPA-HQ-OPPT-2002-0074**Sectors Affected:** 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing**Agency Contact:** John Bowser, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AD48**3254. TSCA INVENTORY NOMENCLATURE FOR ENZYMES AND PROTEINS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2607**CFR Citation:** 40 CFR 720.45**Legal Deadline:** None

**Abstract:** In an Advance Notice of Proposed Rulemaking (ANPRM) issued in November 2004, EPA announced and sought comment on whether it should establish new procedures and regulations for naming enzymes and proteins when listing such substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory (TSCA Inventory). The ANPRM outlined four identification elements that EPA currently believes are appropriate for use in developing unique TSCA Inventory nomenclature for proteinaceous enzymes. The Agency also solicited public comment on several specific questions relating to this topic. EPA is currently evaluating the comments received and is developing a proposed rulemaking.

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| ANPRM  | 11/15/04 | 69 FR 65565 |
| NPRM   | 07/00/07 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4878; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2004/November/Day-15/t25307.htm>; EPA Docket information: EPA-HQ-OPPT-2003-0058**Agency Contact:** Greg Fritz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AJ04

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

**3255. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTION REQUEST FROM U.S. MARITIME ADMINISTRATION (MARAD)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2605 “TSCA 6(e)(3)(B)”**CFR Citation:** 40 CFR 761**Legal Deadline:** None

**Abstract:** The U.S. Maritime Administration (MARAD) is responsible for disposing of surplus Navy non-combatant ships; many of these ships contain polychlorinated biphenyls (PCBs) in electrical equipment, and are contaminated with 50 ppm PCBs in paint, gaskets, and cable that cannot be easily removed. In 2003, MARAD exported 4 surplus ships to a shipyard in the United Kingdom, Able UK, for scrapping; however, the planned export of an additional 9 ships had been prevented by a temporary restraining order issued by the U.S. District Court for D.C. Although EPA issued a letter of enforcement discretion in May 2003, on July 29, 2004, MARAD submitted a partial petition for an export ban exemption under TSCA 6(e)(3)(B). Upon receipt of a completed petition, the Agency will conclude its review. EPA can grant these petitions through notice-and-comment rulemaking for a period of up to one year, provided it can make a finding of no unreasonable risk and good faith efforts to find substitutes.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 2150.1; Split from RIN 2070-AB20; EPA Docket information: EPA-HQ-OPPT-2004-0107**URL For More Information:**

www.epa.gov/pcb/

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**RIN:** 2070-AJ05**3256. CLARIFICATION ON GUIDANCE FOR ACTIVATED PHOSPHORS****Priority:** Info./Admin./Other**Legal Authority:** 15 USC 2604**CFR Citation:** 40 CFR 720**Legal Deadline:** None

**Abstract:** EPA is developing guidance to clarify the chemical identification of activated phosphors for purposes of the Toxic Substances Control Act (TSCA) Chemical Substance Inventory (TSCA Inventory). Specifically, the Agency is developing guidance to clarify that an activated phosphors not currently listed

on the TSCA Inventory is considered a new chemical under TSCA. Prior to initiating the manufacture or import of a new chemical, TSCA section 5 requires a company to submit a premanufacture notice (PMN) to EPA. Apparently this has not been clear and several firms have initiated the manufacture of activated phosphor materials that are not listed on the TSCA Inventory without having submitted the required PMN. EPA intends to seek public comment on draft guidance in this area to ensure that the necessary clarity is provided.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| Notice | 03/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4984**Agency Contact:** David Schutz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AJ21

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Toxic Substances Control Act (TSCA)

**3257. LEAD FISHING SINKERS; RESPONSE TO CITIZENS PETITION AND PROPOSED BAN****Priority:** Other Significant**Legal Authority:** 15 USC 2605 “TSCA 6”**CFR Citation:** 40 CFR 745**Legal Deadline:** None

**Abstract:** On October 20, 1992, the Environmental Defense Fund (EDF), Federation of Fly Fishers, Trumpeter Swan Society, and North American

Loon Fund petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA), and the Administrative Procedure Act (APA), to initiate rulemaking proceedings under section 6 of TSCA to require that the sale of lead fishing sinkers be accompanied by an appropriate label or notice warning that such products are toxic to wildlife. EPA granted the petition, however, the Agency believes that a labeling provision would not adequately address the risk of injury to

waterfowl and other birds (waterbirds), from ingestion of lead fishing sinkers. In addition, EPA also believes that zinc fishing sinkers adversely affect waterbirds, and can cause mortality. Therefore, EPA has proposed a rule under section 6(a) of TSCA to prohibit the manufacturing, processing, and distribution in commerce in the United States, of certain smaller size fishing sinkers containing lead and zinc, and mixed with other substances, including those made of brass. EPA intends to

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

publish a notice withdrawing the proposal.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| ANPRM                      | 05/13/91 | 56 FR 22096 |
| NPRM                       | 03/09/94 | 59 FR 11122 |
| Notice: Withdrawal of NPRM | 12/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3252; EPA publication information: NPRM-Proposed Ban of Fishing Sinkers

**URL For More Information:**

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

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**RIN:** 2070-AC21

**3258. LEAD-BASED PAINT ACTIVITIES; AMENDMENTS FOR RENOVATION, REPAIR, AND PAINTING**

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

**RIN:** 2070-AC83

**3259. SIGNIFICANT NEW USE RULE (SNUR); CHEMICAL-SPECIFIC SNURS TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 721

**Legal Deadline:** None

**Abstract:** When the Agency determines that uncontrolled manufacture, import, processing, distribution, use or disposal of a premanufacture notification (PMN)

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

**Timetable:**

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| NPRM: Aromatic Amino Ether (P90-1840)                               | 06/06/94 | 59 FR 29255 |
| NPRM: Alkenyl Ether of Alkanetriol Polymer (93-458)                 | 12/19/94 | 59 FR 65289 |
| NPRM: Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297) | 06/26/97 | 62 FR 34421 |
| Direct Final Action: Certain Chemical Substances Batch FY06-1       | 10/06/06 | 71 FR 59066 |
| Direct Final Action: Certain Chemical Substances, Batch FY07-1      | 12/00/06 |             |
| Direct Final Action: Certain Chemical Substances, Batch FY07-2      | 03/00/07 |             |
| Final: Alkenyl Ether of Alkanetriol Polymer (93-458)                | 12/00/07 |             |
| Final: Aromatic Amino Ether (P90-1840)                              | 12/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3495

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

**URL For More Information:**

[www.epa.gov/opptintr/newchems/cnosnurs.htm](http://www.epa.gov/opptintr/newchems/cnosnurs.htm)

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**RIN:** 2070-AB27

**3260. SIGNIFICANT NEW USE RULE (SNUR); MERCURY SWITCHES IN MOTOR VEHICLES**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA proposed a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for mercury used in convenience light switches, anti-lock braking system (ABS) sensors, and active ride control sensors in motor vehicles. This action would require persons who intend to manufacture, import, or process mercury for these uses, including when mercury is imported or processed as part of an article, to notify EPA at least 90 days before commencing such activity. The required notice would provide EPA with the opportunity to evaluate the use of mercury in these switches, and, if necessary, to prohibit or limit such activity before it occurs to prevent unreasonable risk of injury to human health or the environment.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 07/11/06 | 71 FR 39035 |
| NPRM Comment Period End | 09/11/06 |             |
| Final Action            | 03/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4983; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/July/Day-11/t10858.pdf>**Sectors Affected:** 335931 Current-Carrying Wiring Device Manufacturing; 3363 Motor Vehicle Parts Manufacturing**Agency Contact:** Benjamin Lim, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460  
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Email: [wilson.nancy@epa.gov](mailto:wilson.nancy@epa.gov)**RIN:** 2070-AJ19**3261. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(a) "TSCA 8(a)"**CFR Citation:** 40 CFR 712**Legal Deadline:** None**Abstract:** These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances.**Timetable:**

| Action                         | Date     | FR Cite     |
|--------------------------------|----------|-------------|
| Final: 51st ITC List           | 06/11/03 | 68 FR 34832 |
| Final: 53rd ITC List           | 12/07/04 | 69 FR 70552 |
| Final: 55th and 56th ITC Lists | 08/16/06 | 71 FR 47122 |
| 58th ITC List                  | 07/00/07 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 2178; EPA publication information: Final 51st ITC List-51st ITC List**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Gerry Brown, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
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Fax: 202 564-4765Email: [brown.gerry@epamail.epa.gov](mailto:brown.gerry@epamail.epa.gov)Joseph Nash, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
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Email: [nash.joseph@epamail.epa.gov](mailto:nash.joseph@epamail.epa.gov)**RIN:** 2070-AB08**3262. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(d) "TSCA 8(d)"**CFR Citation:** 40 CFR 716**Legal Deadline:** None**Abstract:** These rules require chemical manufacturers, importers, and processors to submit unpublished health and safety data on chemicals added to the Toxic Substances Control Act (TSCA) section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency

Testing Committee (ITC). The Regulatory Agenda identifies the most recent rules and any anticipated rules.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 1139; EPA publication information: Final: 55th and 56th ITC Lists - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/August/Day-16/t13489.htm>**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Gerry Brown, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
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Email: [brown.gerry@epamail.epa.gov](mailto:brown.gerry@epamail.epa.gov)John Harris, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
Phone: 202 564-8156  
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Email: [harris.john@epa.gov](mailto:harris.john@epa.gov)**RIN:** 2070-AB11**3263. FOLLOW-UP RULES ON EXISTING CHEMICALS****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604, TSCA 5; 15 USC 2607, TSCA 8**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721**Legal Deadline:** None**Abstract:** EPA monitors the commercial development of existing chemicals of concern and/or gathers information to support planned or ongoing risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemaking under the Toxic

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Substances Control Act (TSCA) sections 5 and/or 8 to require reporting of appropriate needed information by the manufacturers, importers, and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| NPRM: 2,4-Pentanedione                      | 09/27/89 | 54 FR 39548 |
| NPRM: Chloranil                             | 05/12/93 | 58 FR 27980 |
| NPRM: Heavy Metals                          | 01/15/02 | 67 FR 1937  |
| Final: Chloranil                            | 12/00/06 |             |
| Final: Heavy Metals                         | 12/00/07 |             |
| Supp. NPRM: 2,4-Pentanedione                | 12/00/07 |             |
| Supp. NPRM: Certain Benzidine Congener Dyes | 12/00/07 |             |
| NPRM: Certain Benzidine Congener Dyes       | 06/00/08 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 1923; EPA publication information: NPRM: 2,4-Pentanedione SNUR

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

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**RIN:** 2070-AA58

### 3264. VOLUNTARY HIGH PRODUCTION VOLUME (HPV) CHEMICAL CHALLENGE PROGRAM

**Priority:** Other Significant

**Legal Authority:** 15 USC 2601 et seq (TSCA)

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** One of the key components of the Chemical Right-To-Know (ChemRTK) Initiative is the HPV Challenge Program. The goal of this program is to ensure that a baseline set of health and environmental effects data on approximately 2,800 high production volume (HPV) chemicals is made available to EPA and the public. U.S. HPV chemicals are industrial chemicals that are manufactured or imported into the United States in volumes of 1 million pounds or more per year. U.S. Manufacturers and importers of HPV chemicals were invited to voluntarily sponsor chemicals in the HPV Challenge Program. Sponsorship entails the identification and initial assessment of the adequacy of existing information, the conduct of new testing only if adequate information does not exist, and making the new and existing test results available to the public. The Agency is considering specific chemicals which are not voluntarily sponsored in the HPV Challenge Program as candidates for rules under section 4 and 8 of the Toxic Substances Control Act (TSCA). Although this Initiative is not a rulemaking, EPA has included it in the Regulatory Agenda to inform the public.

**Timetable:**

| Action         | Date     | FR Cite     |
|----------------|----------|-------------|
| Notice         | 12/26/00 | 65 FR 81686 |
| Notice: Status | 06/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4176; EPA publication information: Notice-Data Collection and Development on HPV Chemicals; See also items identified under the following RINs 2070-AD09; 2070-AD38; RIN 2070-AD16; RIN 2070-AC27.

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

**URL For More Information:**

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

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**RIN:** 2070-AD25

### 3265. NOTIFICATION OF CHEMICAL EXPORTS UNDER TSCA SECTION 12(B)

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

**RIN:** 2070-AJ01

### 3266. TESTING AGREEMENT FOR PERFLUOROCTANOIC ACID (PFOA)

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

**RIN:** 2070-AJ06

### 3267. TESTING AGREEMENT FOR DIETHANOLAMINE

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

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Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (“HAPs”), including diethanolamine (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA’s request for proposals for ECAs, the Alkanolamines Panel submitted a proposal on November 25, 1996, for alternative testing involving PK studies. ORD/NCEA performed a technical analysis of the proposal in November of 1997. A public meeting was held on February 24, 1998. The Alkanolamines Panel of ACC has submitted three update letters, one in April 1999, one in May of 2003 and one in January of 2005. Under this action, EPA will continue negotiations to develop an ECA that will provide health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Timetable:**

| Action                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Final Action: ECA and Consent Order | 06/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.4**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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 RIN: 2070–AJ09

**3268. TESTING AGREEMENT FOR HYDROGEN FLUORIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 “TSCA 4”**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA’s Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (“HAPs”), including hydrogen fluoride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA’s request for proposals for ECAs, the Hydrogen Fluoride (HF) Panel submitted a proposal for alternative testing involving PK studies for HF on November 27, 1996. EPA responded to

this proposal by letter on June 26, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Timetable:**

| Action                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Final Action: ECA and Consent Order | 06/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.5**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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RIN: 2070–AJ10

**3269. TESTING AGREEMENT FOR PHTHALIC ANHYDRIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 “TSCA 4”**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

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



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

**Timetable:**

| Action            | Date     | FR Cite |
|-------------------|----------|---------|
| Final Action: ECA | 06/00/07 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.7**URL For More Information:**

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**RIN:** 2070–AJ11**3270. TESTING AGREEMENT FOR MALEIC ANHYDRIDE****Priority:** Other Significant**Legal Authority:** 15 USC 2603 “TSCA 4”**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA’s Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (“HAPs”), including maleic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA’s request for proposals for ECAs, the Maleic Anhydride (MA) Panel submitted a proposal for alternative testing involving PK studies for MA on November 8, 1996. EPA responded to the Panel’s proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this

action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Timetable:**

| Action                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Final Action: ECA and Consent Order | 06/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.6**URL For More Information:**

www.epa.gov/oppt/chemtest

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**RIN:** 2070–AJ13**3271. SIGNIFICANT NEW USE RULE, PERFLUOROALKYL SULFONATES (PFAS)****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604; 15 USC 2607; 15 USC 2625**CFR Citation:** 40 CFR 721.9582 (Amended)**Legal Deadline:** None

**Abstract:** EPA is proposing to amend a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for certain perfluoroalkyl sulfonates (PFAS) substances which were not addressed by the previous PFAS SNURs (67 FR 11008, March 11, 2002; 67 FR 72854, December 9, 2002), codified at 40 CFR 721.9582. EPA is proposing to amend the PFAS SNUR at 40 CFR 721.9582 by adding a new table 3 containing all PFAS chemicals currently on the TSCA Inventory but not already subject to the PFAS SNUR. This proposed rule would require manufacturers, including importers, to notify EPA at least 90 days before commencing the manufacture or import of these chemical substances for the significant new uses described in this document. EPA believes that this action is

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necessary because the PFAS component of these chemical substances may be hazardous to human health and the environment. The required notice will provide EPA the opportunity to evaluate intended significant new uses and associated activities before they occur and, if necessary, to prohibit or limit those activities.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/10/06 | 71 FR 12311 |
| Final Action | 05/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4974; EPA publication information: NPRM - <http://www.epa.gov/EPA-TOX/2006/March/Day-10/t3444.htm>; EPA Docket information: EPA-HQ-OPPT-2005-0015

**URL For More Information:**

[www.epa.gov/opptintr/newchems/cnosnurs.htm](http://www.epa.gov/opptintr/newchems/cnosnurs.htm)

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**RIN:** 2070-AJ18

**3272. • SIGNIFICANT NEW USE RULE FOR CHLORANIL**

**Priority:** Routine and Frequent

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

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

**Legal Deadline:** None

**Abstract:** Chloranil is used as a basic feedstock for certain dyes and pigments and in the production of rubber tires. Chloranil was one of the chemicals identified for testing in the Dioxin/Furan (D/F) test rule. Early testing results revealed that dioxin levels in Chloranil could vary by more than two orders of magnitude depending on the chemical manufacturing process involved. It appeared that the "low dioxin" manufacturing process could produce Chloranil with dioxin contamination levels below 20 ppb TEQ. Based on this information, EPA entered into a formal agreement with Chloranil importers (there was no domestic production of "high dioxin" Chloranil) to only import Chloranil made through the "low dioxin" process. As a follow up to this agreement, a Chloranil Significant New Use Rule (SNUR) was proposed in 1993. Under the provisions of the draft SNUR, any Chloranil imported or domestically produced with dioxin contamination levels greater than 20 ppb TEQ would be considered a new use and require reporting under section 5(a)(1)(A) of the Toxic Substances Control Act. In the SNUR proposal, EPA stated that it would not promulgate a final rule until it had all of the D/F test rule data. EPA accepted the final test rule data in June of 2001. The test rule requirements continue to apply to any new manufacturer or importer of Chloranil. No new importer

or manufacturer has identified themselves, although EPA has received inquiries from time to time about the applicability of the test rule to new imports. OPPT therefore believes that all importation of Chloranil is still covered under the formal agreements and that there is no current import or domestic manufacture of high dioxin Chloranil. Because a significant time has passed since proposal OPPT is considering the options of reproposing the rule, reopening the comment period, and proceeding directly to developing a final rule.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 05/12/93 | 58 FR 28000 |
| Final Action | 05/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 1923.1; Split from RIN 2070-AA58.

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**RIN:** 2070-AJ31

## Environmental Protection Agency (EPA)

## Long-Term Actions

## Toxic Substances Control Act (TSCA)

**3273. ASBESTOS MODEL ACCREDITATION PLAN REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2646 "TSCA 206"

**CFR Citation:** 40 CFR 763

**Legal Deadline:** Final, Statutory, November 28, 1992.

**Abstract:** The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan (MAP) to extend training and accreditation requirements to include persons performing certain asbestos-related work in public or commercial buildings, to increase the minimum number of training hours

required for accreditation purposes, and to effect other changes necessary to implement the amendments. On February 3, 1994, EPA issued an interim final rule to revise the asbestos MAP to clarify the types of persons who must be accredited to work with asbestos in schools and public or commercial buildings; to increase the minimum number of hours of training

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for asbestos abatement workers and contractor/supervisors, including additional hours of hands-on health and safety training; and to effect a variety of other necessary changes as mandated by section 15(a)(3) of the ASHARA. This interim final rule satisfied the statutory deadline. EPA will continue to consider finalizing the MAP rule and/ or promulgating regulatory revisions to sunset current EPA MAP accreditations granted to training providers.

**Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Model Plan           | 05/13/92 | 57 FR 20438 |
| Interim Final Action | 02/03/94 | 59 FR 5236  |
| Final Action         | 05/00/09 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3148

**Sectors Affected:** 611519 Other Technical and Trade Schools

**URL For More Information:**

<http://www.epa.gov/asbestos/>

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**RIN:** 2070-AC51

**3274. LEAD-BASED PAINT ACTIVITIES; BRIDGES AND STRUCTURES; TRAINING, ACCREDITATION, AND CERTIFICATION RULE AND MODEL STATE PLAN RULE**

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

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

**Legal Authority:** 15 USC 2682; 15 USC 2684; PL 102-550 sec 402; PL 102-550 sec 404

**CFR Citation:** 40 CFR 745

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

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/09 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

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

**Additional Information:** SAN No. 4376

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

**URL For More Information:**

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

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**RIN:** 2070-AC64

**3275. POLYCHLORINATED BIPHENYLS (PCBS); DISPOSAL OF PCBS; IMPLEMENTATION ISSUES**

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

**Legal Authority:** 15 USC 2605(e) "TSCA 6"

**CFR Citation:** 40 CFR 761 (Revision)

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 10/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 4597

**Sectors Affected:** 31-33 Manufacturing; 81 Other Services (except Public Administration); 54 Professional, Scientific and Technical Services; 92 Public Administration; 53 Real Estate

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

and Rental and Leasing; 48-49 Transportation; 22 Utilities; 562 Waste Management and Remediation Services

**URL For More Information:**

[www.epa.gov/pcb](http://www.epa.gov/pcb)

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**RIN:** 2070-AD52

### 3276. AMENDMENT TO THE PREMANUFACTURE NOTIFICATION EXEMPTIONS; REVISIONS OF EXEMPTIONS FOR POLYMERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 723

**Legal Deadline:** None

**Abstract:** In September 2005, EPA proposed an amendment to the Polymer Exemption Rule, which provides an exemption from the premanufacture notification (PMN) requirements of the Toxic Substances Control Act (TSCA). The proposed amendment would exclude from eligibility polymers containing as an integral part of their composition, except as impurities, certain perfluoroalkyl moieties consisting of a CF<sub>3</sub>- or longer chain length. This proposed exclusion includes polymers that contain any one or more of the following: perfluoroalkyl sulfonates (PFAS); perfluoroalkyl carboxylates (PFAC); fluorotelomers; or perfluoroalkyl moieties that are covalently bound to either a carbon or sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule. If finalized as proposed, any person who intends to manufacture (or import) any of these polymers not already on the TSCA Inventory would have to complete the TSCA premanufacture review process prior to commencing the manufacture or import of such polymers. EPA believes this proposed change to the current

regulation is necessary because, based on recent information, EPA can no longer conclude that these polymers “will not present an unreasonable risk to human health or the environment,” which is the determination necessary to support an exemption under TSCA, such as the Polymer Exemption Rule.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/07/06 | 71 FR 11485 |
| Final Action | 12/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4635; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/March/Day-07/t2152.pdf>

**Sectors Affected:** 325 Chemical Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 326 Plastics and Rubber Products Manufacturing

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**RIN:** 2070-AD58

### 3277. SIGNIFICANT NEW USE RULES (SNURS); FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 “TSCA 5”

**CFR Citation:** 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical’s manufacture, import, process, distribution, use, or disposal

outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

**Timetable:**

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| NPRM: 84-1056   | 06/11/86 | 51 FR 21199 |
| NPRM: 86-566  | 12/08/87 | 52 FR 46496 |
| NPRM: Aluminum Cross-linked Sodium Carboxymethyl cellulose  | 06/11/93 | 58 FR 32628 |
| Final: 84-1056  | 12/00/07 |             |
| Final: 86-566   | 12/00/07 |             |
| Final: Aluminum Cross-linked Sodium Carboxymethyl cellulose | 12/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 1976; EPA publication information: NPRM: 84-1056-Alkyl & Sulfonic Acid & Ammonium Salt (84-1056)

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

**URL For More Information:**

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

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## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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 RIN: 2070-AA59

**3278. FUTURE TESTING FOR EXISTING CHEMICALS (OVERVIEW ENTRY)**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is needed to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. For chemicals that have been designated for priority testing consideration by the Interagency Testing Committee (ITC) the Agency will consider whether to require testing of the chemical through rulemaking or ECA or will publish a notice which provides the reasons for not doing so in the case of a particular chemical (such reasons may involve the existence of a VTA). The Agency may also consider test rules, ECAs or VTAs for chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes. This regulatory agenda entry is considered a "generic entry" because it is intended to alert the public that

within the next 6 months the Agency may consider other chemicals for test rules, ECAs, or VTAs that are not yet identified. A separate activity specific entry will be included in the regulatory agenda once the Agency decides to develop a test rule, ECA or VTA.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| ANPRM  | 08/00/08 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493; EPA publication information: ANPRM-Placeholder for potential new action in next 6 months.

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

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

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RIN: 2070-AB94

**3279. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right-to-know program given the large release of these

chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112, EPA must identify the health and environment effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required to conduct a research program on the short- and long-term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3487

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

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

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RIN: 2070-AC76

**3280. TEST RULE; CERTAIN METALS**

**Priority:** Substantive, Nonsignificant

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

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

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**Legal Deadline:** None

**Abstract:** EPA is coordinating an evaluation of the data needs for assessing potential adverse effects that exposures to metals pose for health and the environment with the Agency's efforts to develop a framework for assessing potential risks from exposures to metals. This activity is intended to lead to EPA proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA). A test rule would require manufacturers and processors of certain metals (beryllium, chromium, manganese, mercury, nickel, and selenium) to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(I) and the Clean Air Act (CAA) section 112. Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific communities. Data from this action would also be used to implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section (b)(1) list of HAPs (delisting).

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3882

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

**URL For More Information:**

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

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**RIN:** 2070-AD10

**3281. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action                          | Date  | FR Cite    |
|---------------------------------|-------|------------|
| Notice Soliciting Participation | To Be | Determined |
| Final: ECA and Consent Order    | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4174; EPA publication information: Notice Soliciting Participation-Solicit Interested Parties

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

**URL For More Information:**

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

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**RIN:** 2070-AD28

**3282. TEST RULE; MULTIPLE SUBSTANCE RULE FOR THE TESTING OF DEVELOPMENTAL AND REPRODUCTIVE TOXICITY**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** On March 4, 1991, EPA issued a proposed TSCA section 4 Test Rule to require testing of 12 chemicals for developmental and/or reproductive effects. Since issuing that proposed rule, 11 of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary HPV Chemical Challenge Program, and/or the International Council of Chemical Associations (ICCA). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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## Long-Term Actions

**Additional Information:** SAN No. 4395

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

**URL For More Information:**

www.epa.gov/oppt/chemtest

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**RIN:** 2070-AD44

### 3283. SIGNIFICANT NEW USE RULE (SNUR); REFRACTORY CERAMIC FIBERS (RCFS)

**Priority:** Routine and Frequent

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

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3528

**Sectors Affected:** 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

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**RIN:** 2070-AC37

### 3284. TSCA POLICY STATEMENT ON OVERSIGHT OF TRANSGENIC ORGANISMS (INCLUDING PLANTS)

**Priority:** Other Significant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 720

**Legal Deadline:** None

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

**Timetable:**

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4598

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**RIN:** 2070-AD53

### 3285. LEAD-BASED PAINT; AMENDMENTS TO THE REQUIREMENTS FOR DISCLOSURE OF KNOWN LEAD-BASED PAINT OR LEAD-BASED PAINT HAZARDS IN TARGET HOUSING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4852d

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

**Legal Deadline:** None

**Abstract:** EPA intends to amend existing requirements to clarify which target housing transactions the rule applies; add or clarify definitions of important terms; clarify the disclosure responsibilities of agents; clarify what information must be disclosed; clarify recordkeeping requirements to support enforcement; and will amend existing regulatory text to resolve some inconsistent interpretations and to incorporate interpretations that have been issued through guidance. Small businesses and State/local/tribal governments that sell or lease target housing will be affected in that they will need to become familiar with new/revised requirements that apply to

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these transactions. Overall burden is not expected to increase significantly.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Organizations

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

**Additional Information:** SAN No. 4777

**Sectors Affected:** 92511

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

**URL For More Information:**

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

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**RIN:** 2070-AD64

**3286. TESTING AGREEMENT FOR ARYL PHOSPHATES (ITC LIST 2)**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** On January, 17, 1972 (57 FR 2138), EPA published a proposed TSCA section 4 test rule covering a number of aryl phosphate base stocks. On March 30, 1993, EPA announced initiation of negotiations with the Aryl Phosphates Panel of the Chemical Manufacturers Association (now the American Chemistry Council or ACC) to develop a TSCA section 4 Enforceable Consent Agreement (ECA)

for aryl phosphate base stocks as an alternative approach to testing under the proposed rule (58 FR 16669). On October 9, 1998, EPA sent letters to the Chief Executive Officers of companies, including those who were participating in the development of this ECA, to announce EPA's High Production Volume (HPV) Chemical Challenge Program. Consistent with the international OECD Screening Information Data Set (SIDS) Program, EPA's HPV Challenge Program encourages U.S. chemical producers and importers to voluntarily provide existing screening level data, or, if none exist, to develop such data on U.S. HPV chemicals. Because some overlap of testing requirements in the HPV Challenge and this ECA initiative were identified, the industry committed to develop the screening level data for the HPV Challenge Program before continuing with further development of the ECA. In this way, results from the HPV Challenge program would feed back into consideration of needs for the ECA testing and, where possible, could avert some or all of the overlap testing requirements. After completion of the industry's commitments under the HPV Challenge Program, EPA will evaluate the need for any additional testing of the subject AP base stocks under an ECA.

**Timetable:**

| Action                              | Date     | FR Cite     |
|-------------------------------------|----------|-------------|
| ANPRM                               | 12/29/83 | 48 FR 57452 |
| NPRM                                | 01/17/92 | 57 FR 2138  |
| Final Action: ECA and Consent Order | To Be    | Determined  |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493.2

**URL For More Information:**

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

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**RIN:** 2070-AJ07

**3287. TEST RULE; BROMINATED FLAME RETARDANTS (BFRS)**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** On June 25, 1991 (56 FR 29140), EPA issued a proposed TSCA section 4 Test Rule for health and environmental effects and chemical fate testing of 5 brominated flame retardants. Since issuing that proposed rule, all of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary US HPV Chemical Challenge Program, and/or EPA's Voluntary Children's Chemical Evaluation Program (VCCEP). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 06/25/91 | 56 FR 29140 |
| Final Action | To Be    | Determined  |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493.3

**URL For More Information:**

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

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**RIN:** 2070-AJ08

**3288. EFFECTS OF TRANSFERS OF OWNERSHIP ON OBLIGATIONS UNDER SECTION 5 OF TSCA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 720



## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**Legal Deadline:** None

**Abstract:** Companies frequently transfer ownership or other rights with respect to a chemical substance to a different company or person. These transfers may have regulatory implications because of the transferor's earlier submittal under the Toxic Substances Control Act (the "Act") of a premanufacture notice, a significant new use notice or an exemption notice to EPA for the chemical substance. Either prior to or after commencing the manufacture of the chemical substance, the company may want to transfer the right to manufacture the chemical substance to a new company as part of a merger, corporate reorganization, or other business transaction. The Act can be interpreted as requiring the transferee of a right to manufacture to submit a new premanufacture notice to the Agency, because the transferee is

a new person. However, the Agency has not always required the transferee to submit a new notice and has allowed the transferee to manufacture the chemical substance under the original company's authorization. Because there are no rules or formal guidance concerning the procedure for transferring rights to manufacture, this issue has not been addressed in a clear and consistent manner. Furthermore, it is not clear if a transferee of a right to manufacture is liable under the Act to the same extent as the transferor. Therefore, to clarify these issues, EPA proposes to adopt a rule to accomplish several purposes: (1) To provide a clear procedural mechanism to facilitate the transfer of rights to manufacture to new persons; (2) to require the transferee to specifically assume all of the legal obligations associated with the transferred right to manufacture; and (3) to provide notice to the Agency of

a proposed transfer of a right to manufacture, thereby allowing the Agency to engage in more meaningful compliance monitoring.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/07 |         |

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4975

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**RIN:** 2070-AJ15

## Environmental Protection Agency (EPA)

## Completed Actions

## Toxic Substances Control Act (TSCA)

**3289. SIGNIFICANT NEW USE RULE (SNUR); CERTAIN POLYBROMINATED DIPHENYL ETHERS (PBDES)****Priority:** Routine and Frequent**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 12/06/04 | 69 FR 70404 |
| Final Action | 06/13/06 | 71 FR 34015 |

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

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**RIN:** 2070-AJ02**3290. TSCA INVENTORY UPDATE REPORTING RULE; ELECTRONIC REPORTING****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 710**Completed:**

| Reason                         | Date     | FR Cite     |
|--------------------------------|----------|-------------|
| Direct Final Action; Using CDX | 09/06/06 | 71 FR 54495 |

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

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**RIN:** 2070-AJ25

**Environmental Protection Agency (EPA)  
Emergency Planning and Community Right-to-Know Act (EPCRA)**
**Proposed Rule Stage**
**3291. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: MODIFICATION TO THE THRESHOLD PLANNING QUANTITY METHODOLOGY FOR THE EXTREMELY HAZARDOUS SUBSTANCES THAT ARE SOLIDS IN SOLUTION.**
**Priority:** Other Significant

**Legal Authority:** 42 USC 11001

**CFR Citation:** 40 CFR 355

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 10/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4753;

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**RIN:** 2050-AF08

**3292. TRI; RESPONSE TO PETITION TO DELETE CHROMIUM, ANTIMONY, TITANATE FROM THE METAL COMPOUND CATEGORIES LISTED ON THE TOXICS RELEASE INVENTORY**
**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 11013 EPCRA 313

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

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

**Timetable:**

| Action   | Date     | FR Cite |
|----------|----------|---------|
| Response | 12/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2425.4; EPA publication information: Response-Chromium, Antimony, Titanate (Request to Delete); Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within

180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

**URL For More Information:**
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**RIN:** 2025-AA16

**3293. TRI; RESPONSE TO PETITION TO DELETE ACETONITRILE FROM THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS**
**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 11013 EPCRA 313

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** This action will respond to a petition received by EPA to delete acetonitrile from the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register; if EPA denies the petition a notice of petition denial will be published. The deletion of this chemical would

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

Proposed Rule Stage

eliminate all the reporting requirements under the Toxic Chemical Release Reporting Rule.

**Timetable:**

| Action   | Date     | FR Cite |
|----------|----------|---------|
| Response | 05/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2425.3; EPA publication information: Response-Acetonitrile (Request to Delete); Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00.

Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

**URL For More Information:**

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**RIN:** 2025-AA19

## Environmental Protection Agency (EPA)

Final Rule Stage

## Emergency Planning and Community Right-to-Know Act (EPCRA)

### 3294. ADDITION OF TOXICITY EQUIVALENCY (TEQ) REPORTING AND QUANTITY DATA FOR INDIVIDUAL MEMBERS OF THE DIOXIN AND DIOXIN-LIKE COMPOUNDS CATEGORY UNDER EPCRA, SECTION 313

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11001 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

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

to compare TRI data on dioxin and dioxin-like compounds with other EPA activities which present data on dioxin and dioxin-like compounds in terms of TEQs. Several industry groups have written OMB supporting the addition of TEQ reporting to TRI.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/07/05 | 70 FR 10919 |
| Final Action | 03/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4692; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2005/March/Day-07/t4339.htm>; TRI has not converted to NAICS so the Standard Industrial Classification (SIC) Codes are listed: SIC Code 10 Metal Mining (except SIC codes 1011, 1081, and 1094), SIC Code 12 Coal Mining (except SIC code 1241), SIC Code 20-39 Manufacturing, SIC Codes 4911, 4931, and 4939 Electric Utilities (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce), SIC Code 4953 Commercial Hazardous Waste Treatment (limited to facilities regulated under the RCRA, subtitle C, 42 U.S.C. section 6921 et seq.), SIC

Code 5169 Chemicals and Allied Products-Wholesale, SIC Code 5171 Petroleum Bulk Terminals and Plants, SIC Code 7389 Solvent Recovery Services (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis).

**URL For More Information:**

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**RIN:** 2025-AA12

### 3295. TOXICS RELEASE INVENTORY REPORTING BURDEN REDUCTION RULE

**Regulatory Plan:** This entry is Seq. No. 134 in part II of this issue of the Federal Register.

**RIN:** 2025-AA14

## Environmental Protection Agency (EPA)

## Long-Term Actions

## Emergency Planning and Community Right-to-Know Act (EPCRA)

**3296. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS AND STREAMLINING RULE****Priority:** Other Significant**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022**CFR Citation:** 40 CFR 355; 40 CFR 370**Legal Deadline:** None

**Abstract:** This rule will address the remaining issues from the proposed rule of June 8, 1998. (Reporting thresholds for gasoline and diesel fuel at retail gas stations were included in a separate final rule; 64 FR 7031, February 11, 1999.) This supplemental proposal will address: Reporting thresholds for chemicals that pose minimal risk. The final rule to the June 8, 1998 proposal and this supplemental proposal will address: Reporting thresholds for rock salt, sand, gravel, and other chemicals that pose minimal risk; plain language rewrite; and may consider reporting thresholds for facilities with some similarities to gas stations (motor pools, marinas, etc.) and guidance on approaches to State flexibility. This supplemental rule, when finalized, will minimize burden for those facilities that are currently reporting chemicals that pose minimal risk under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act. This rule, when finalized, may also reduce the number of facilities subject to these reporting requirements. The reporting requirements under sections 311 and 312 are intended to enhance communities' and emergency response officials' awareness of chemical hazards; to facilitate the development of State and local emergency response plans; and to aid communities and emergency response officials in preparing for and responding to emergencies safely and effectively. By proposing to provide relief from routine reporting of substances with minimal hazards and minimal risk, State and local officials can focus on chemicals that may pose more significant hazard or may present greater risks to the community.

**Timetable:**

| Action            | Date     | FR Cite     |
|-------------------|----------|-------------|
| NPRM              | 06/08/98 | 63 FR 31268 |
| Supplemental NPRM | To Be    | Determined  |
| Final             | To Be    | Determined  |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** SAN No. 3215;

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**RIN:** 2050-AE17**3297. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR THE METAL MINING ACTIVITIES OF EXTRACTION AND BENEFICIATION****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 11001 et seq**CFR Citation:** 40 CFR 372**Legal Deadline:** None

**Abstract:** The Toxics Release Inventory (TRI) currently requires reporting from metal mining facilities if they manufacture or process 25,000 pounds or more of a listed chemical or otherwise use 10,000 pounds or more of a listed chemical. These mining facilities engage in the removal of naturally occurring materials from the earth. EPA had considered naturally occurring materials to be manufactured by natural processes. A recent court order set aside EPA's interpretation of manufacture stating that naturally occurring ores cannot be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 12/00/09 |         |
| Final Action | 03/00/10 |         |

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 4616;**URL For More Information:**

www.epa.gov/tri

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**RIN:** 2025-AA11**3298. TRI; RESPONSE TO PETITION TO ADD DIISONONYL PHTHALATE TO THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 11013 EPCRA 313**CFR Citation:** 40 CFR 372**Legal Deadline:** None

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

## EPA—Emergency Planning and Community Right—to—Know Act (EPCRA)

## Long-Term Actions

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| NPRM                        | 09/05/00 | 65 FR 53681 |
| Notice of Data Availability | 06/14/05 | 70 FR 34437 |
| Final Action                | 11/00/09 |             |

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

**Additional Information:** SAN No. 2425.1; EPA publication information: Notice of Data Availability - <http://www.epa.gov/fedrgstr/EPA-WASTE/2005/June/Day-14/f11664.htm>; Split from RIN 2025-AA00. Formerly

listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

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**RIN:** 2025-AA17

## Environmental Protection Agency (EPA)

## Completed Actions

## Emergency Planning and Community Right—to—Know Act (EPCRA)

**3299. RULEMAKING TO CHANGE TOXIC RELEASE INVENTORY (TRI) REPORTING REQUIREMENTS FROM STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES TO NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) CODES**

**Priority:** Info./Admin./Other**CFR Citation:** 40 CFR 372**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/21/03 | 68 FR 13872 |
| Final Action | 06/06/06 | 71 FR 32464 |

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

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**RIN:** 2025-AA10

**3300. REPORTABLE QUANTITY ADJUSTMENT FOR ISOPHORONE DIISOCYANATE**

**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 355**Completed:**

| Reason              | Date     | FR Cite     |
|---------------------|----------|-------------|
| NPRM                | 09/11/06 | 71 FR 53354 |
| Direct Final Action | 09/11/06 | 71 FR 53331 |

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

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**RIN:** 2050-AG32

## Environmental Protection Agency (EPA)

## Prerule Stage

## Resource Conservation and Recovery Act (RCRA)

**3301. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS**

**Regulatory Plan:** This entry is Seq. No. 99 in part II of this issue of the Federal Register.

**RIN:** 2050-AE81

**Environmental Protection Agency (EPA)  
Resource Conservation and Recovery Act (RCRA)**
**Proposed Rule Stage**
**3302. MANAGEMENT OF CEMENT  
KILN DUST (CKD)**
**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a) RCRA 2002(a); 42 USC 6921(a) RCRA 3001(a)

**CFR Citation:** 40 CFR 256; 40 CFR 259; 40 CFR 261; 40 CFR 264

**Legal Deadline:** None

**Abstract:** In December 1993, EPA submitted a Report to Congress with its findings on the nature and management practices associated with cement kiln dust (CKD). In 1995, EPA determined that some additional control of CKD was needed and published a regulatory determination (60 FR 7366, February 7, 1995). On August 20, 1999, EPA issued a proposed rule (64 FR 45632) outlining the Agency's preferred regulatory approach (i.e., an exemption from hazardous waste listing for properly managed CKD) and several optional approaches including requirements solely under RCRA subtitle D. On July 25, 2002, the Agency published a notice (67 FR 48648) to announce the availability for public inspection and comment of recently acquired data on CKD. The Agency is now considering an approach whereby it would finalize the proposed option of issuing the protective CKD management standards as described in the August 20, 1999 proposal as a RCRA subtitle D rule. The Agency would temporarily suspend its active consideration of the proposed listing of mismanaged CKD as a hazardous waste, and assess how CKD management practices and State regulatory programs evolve over the next 3-to-5 years. Based on this assessment, EPA will then proceed to either formally withdraw or promulgate the portion of the 1999 proposal that classifies as a RCRA hazardous waste CKD that has been egregiously mismanaged. EPA will be promoting pollution prevention, recycling, and safer disposal of CKD by considering finalization of protective management standards for this waste. The Agency believes that these management standards are a creative, affordable, and common sense approach that can protect human health and the environment without imposing unnecessary regulatory burdens on the cement industry. These standards provide a new, tailored framework that safeguards ground water and limits risk from releases of dust to air. A Notice of Data Availability is being developed

to seek comment on new data regarding the management of cement kiln dust.

**Timetable:**

| Action                         | Date     | FR Cite     |
|--------------------------------|----------|-------------|
| Regulatory Determination       | 02/07/95 | 60 FR 7366  |
| NPRM                           | 08/20/99 | 64 FR 45632 |
| Notice – Extend Comment Period | 10/28/99 | 64 FR 58022 |
| NoDA 1                         | 07/25/02 | 67 FR 48648 |
| Notice –Extend Comment Period  | 11/08/02 | 67 FR 68130 |
| Notice of Data Availability    | 04/00/07 |             |
| Final Action                   | 03/00/08 |             |

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3856

**Sectors Affected:** 32731 Cement Manufacturing

**Agency Contact:** Jana Englander, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460  
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**RIN:** 2050–AE34

**3303. MODIFICATIONS TO RCRA  
RULES ASSOCIATED WITH  
SOLVENT–CONTAMINATED  
INDUSTRIAL WIPES**
**Priority:** Other Significant

**Legal Authority:** 42 USC 6921

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** EPA proposed to modify the RCRA regulations for management of solvent-contaminated industrial wipes in response to stakeholder concerns that industrial wipes are over-regulated because they pose little threat to human health and the environment. Industrial wipes are used with solvents across industry in various ways; EPA estimates that there are approximately 471,000 users of industrial wipes in 13 economic sub-sectors, but many users

use small numbers of wipes with small amounts of solvents on them. If finalized, this regulation would provide regulatory relief for two types of solvent-contaminated industrial wipes: (1) Disposable wipes, which are disposed of in a landfill or by combustion after use, and (2) reusable wipes, which are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposable industrial wipes from the definition of hazardous waste and to conditionally exclude reusable industrial wipes from the definition of solid waste. The regulation, if finalized, is estimated to result in \$34 million of savings throughout the economy and has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| NPRM                        | 11/20/03 | 68 FR 65586 |
| Notice of Data Availability | 02/00/07 |             |
| Final Action                | 06/00/08 |             |

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4091; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-20/f28652.htm>; EPA Docket information: EPA-HQ-RCRA-2003-0004

**Sectors Affected:** 325 Chemical Manufacturing; 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 441 Motor Vehicle and Parts Dealers; 812 Personal and Laundry Services; 323 Printing and Related Support Activities; 811 Repair and Maintenance; 336 Transportation Equipment Manufacturing

**URL For More Information:**
[www.epa.gov/epaoswer/hazwaste/id/solvents/wipes.htm](http://www.epa.gov/epaoswer/hazwaste/id/solvents/wipes.htm)

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## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

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RIN: 2050-AE51

**3304. LAND DISPOSAL RESTRICTIONS: MODIFYING THE LAND DISPOSAL TREATMENT STANDARD FOR RADIOACTIVE LEAD SOLIDS AND HAZARDOUS DEBRIS; DEFINITION OF MACROENCAPSULATION****Priority:** Other Significant**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924**CFR Citation:** 40 CFR 268.42**Legal Deadline:** None

**Abstract:** This proposed rulemaking, if finalized, would modify the current LDR technology standard for Radioactive Lead Solids (RLS) under 40 CFR 268.42 and for hazardous debris under 40 CFR 268.45 to allow the additional use of organic container-based macroencapsulation technologies that meet certain performance requirements for land disposal of RLS waste and hazardous debris. This change would make both technology-based standards for RLS waste and debris consistent and would have the effect of removing the container prohibition for RLS waste and subjecting RLS waste to an additional treatment performance standard. EPA believes that the effect of these changes will promote more efficient cleanups of contaminated sites by removing a regulatory distinction between radioactive lead solids and other forms of hazardous debris, reduce worker exposures, expedite cleanups, and promote further advancement of new technologies for disposal.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4743; Action is of equivalent regulatory stringency. States and Tribes will not be required to adopt.**Agency Contact:** Juan Parra, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460

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RIN: 2050-AF12

**3305. HAZARDOUS WASTE MANAGEMENT SYSTEM: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE (F019 LISTING AMENDMENT IN WASTEWATER TREATMENT SLUDGES FROM ZINC PHOSPHATING PROCESSES IN AUTOMOTIVE ASSEMBLY PLANTS)****Priority:** Other Significant**Legal Authority:** 42 USC 3001**CFR Citation:** 40 CFR 261.31; 40 CFR 302.4**Legal Deadline:** None

**Abstract:** Automobile manufacturers are adding aluminum or aluminized components to automobiles to reduce the weight of vehicles to increase fuel economy. When aluminum components are added to the automobile assembly process, the current Federal regulations require that the wastewater treatment sludges generated from this conversion coating process be managed as a hazardous waste under the Resource Conservation and Recovery Act. EPA intends to reduce burden on the regulated community by revising the current RCRA regulations that apply to the wastewater treatment sludges from the chemical conversion coating (zinc phosphating) of aluminum.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4834; EPA Docket information: EPA-HQ-RCRA-2004-0019**Agency Contact:** James Michael, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460

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RIN: 2050-AG15

**3306. EXPANDING THE COMPARABLE FUELS EXCLUSION UNDER RCRA****Regulatory Plan:** This entry is Seq. No. 112 in part II of this issue of the Federal Register.

RIN: 2050-AG24

**3307. • DEFINITION OF SOLID WASTES REVISIONS****Regulatory Plan:** This entry is Seq. No. 113 in part II of this issue of the Federal Register.

RIN: 2050-AG31

**3308. • REVISIONS TO LAND DISPOSAL RESTRICTIONS TREATMENT STANDARDS AND AMENDMENTS TO RECYCLING REQUIREMENTS FOR SPENT PETROLEUM REFINING HYDROTREATING AND HYDROREFINING CATALYSTS****Priority:** Other Significant**Legal Authority:** 42 USC 1006; 42 USC 2002(a); 42 USC 3001 to 3009; 42 USC 3014; 42 USC 6905; 42 USC 6906; 42 CFR 6912; 42 USC 6921; 42 USC 6922; 42 USC 6924 to 6927; 42 USC 6934; 42 USC 6937; 42 USC 6938**CFR Citation:** 40 CFR 261; 40 CFR 266; 40 CFR 286.40**Legal Deadline:** None

**Abstract:** Pursuant to regulations found at 40 CFR 260.20, the Vanadium Producers and Reclaimers Association (VPRA) submitted a rulemaking petition to the EPA requesting that the Agency amend the hazardous waste regulations affecting the treatment and disposal of certain petroleum refinery process wastes. Specifically, VPRA requested that EPA revise the treatment standards under the Land Disposal Restrictions (LDR) Program for the disposal of spent hydrotreating and hydrorefining catalysts (waste codes

## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

K171 and K172, respectively). EPA is publishing a notice in response to the rulemaking petition, by proposing to amend the Land Disposal Restriction (LDR) requirements for EPA Waste Code K172 by adding numeric treatment standards for certain polynuclear aromatic hydrocarbons (PAHs). EPA is also responding to other elements of the rulemaking petition in this notice. Finally, in response to separate comments received from petroleum industry representatives, EPA is taking this opportunity to propose changes to its regulations to help encourage consistent levels of recycling of spent hydrotreating and hydrorefining catalysts, in a manner that protects human health and the environment.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 5070;

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**RIN:** 2050-AG34

### 3309. PROJECT XL SITE-SPECIFIC RULEMAKING FOR THE IBM SEMICONDUCTOR MANUFACTURING FACILITY IN HOPEWELL JUNCTION, NEW YORK

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

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

**CFR Citation:** 40 CFR 261.4(a)

**Legal Deadline:** None

**Abstract:** This rulemaking provides a site-specific exclusion from the regulatory definition of solid waste for certain wastewater treatment sludges (otherwise designated as Hazardous Waste No. F006) when they are used as ingredients in the production of cement. Without this exclusion, the sludges being legitimately recycled as substitutes for raw materials would

remain subject to hazardous waste regulatory requirements, including the need for a storage permit by the cement manufacturer, which is a major disincentive to recycling the sludges in this manner. This XL project tests the presumption that these sludges can be safely recycled without regulatory oversight.

**Timetable:**

| Action            | Date             | FR Cite     |
|-------------------|------------------|-------------|
| NPRM              | 06/06/01         | 66 FR 30349 |
| Supplemental NPRM | 04/14/03         | 68 FR 18042 |
| Withdrawn NPRM    | 03/00/07         |             |
| Final Action      | To Be Determined |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4565; Project Sponsor has notified Agency of desire to withdraw project and therefore the Agency will withdraw the proposal.

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**RIN:** 2090-AA29

### 3310. RCRA INCENTIVES FOR PERFORMANCE TRACK MEMBERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 279

**Legal Deadline:** None

**Abstract:** The Performance Track program provides recognition and incentives for facilities that demonstrate to the Agency that they are top environmental performers. Performance Track is a voluntary, facility based program that reviews applicants twice a year for conformance to four core criteria. These criteria are: A commitment to continuous

improvement, a well functioning Environmental Management system in place for at least 1 year, a solid record of compliance, and a commitment to community outreach and annual public reporting. Currently there are about 400 members in Performance Track. In this action, EPA plans to propose: A streamlined process for permit modifications; performance-based standards for tanks; new capabilities for standardized permits; alternative generator requirements for small quantity generators; and EPA will seek comment of the interaction between CAA and RCRA Air requirements, specifically in subparts AA, BB, and CC. These incentives will be available only to facilities that are members of the Performance Track program. Should a facility choose to leave the program, any regulatory benefits they receive will no longer be available. Performance Track facilities commit to environmental improvements that reach beyond regulatory compliance, and as such benefits are quantifiable via each member facilities' annual report, and in aggregate through EPA's progress reports on the program.

In the first 3 years, members reduced their environmental footprint by:

- \* 8.5 trillion BTUs of energy
- \* 1.3 billion gallons of water used
- \* 16,200 tons of SOX emissions
- \* 582,000 tons of solid waste
- \* 16,400 tons of hazardous materials use
- \* Preserving or restoring 7,800 acres

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 03/00/07 |         |
| Final Action | 03/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4828;

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## EPA—Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

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RIN: 2090-AA34

**Environmental Protection Agency (EPA)**  
**Resource Conservation and Recovery Act (RCRA)**

Final Rule Stage

**3311. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6912(a)

**CFR Citation:** 40 CFR 247

**Legal Deadline:** None

**Abstract:** RCRA section 6002 and Executive Order 13101 require EPA to prepare guidelines in the Federal Register which designate items that are or can be made with recovered materials and to issue recommendations for Government procurement of these items. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. Government procurement of EPA-designated items containing recovered materials fosters markets for recovered materials and, thereby, closes the recycling loop. To date, EPA has designated 61 items under four Comprehensive Procurement Guidelines (CPG1, CPG2, CPG3 and CPG4). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG which provides recommendations on buying the designated items. The Executive Order requires EPA to update the CPG every 2 years. EPA has proposed one new and one revised item designation in CPG5. In addition CPG Nylon Carpet was originally proposed with CPG IV, but, not included in the final designation because more information was needed. A Notice of Data Availability was issued asking for that information. EPA is now considering finalizing the CPG for Nylon Carpet separately from CPG IV and V.

**Timetable:**

| Action     | Date     | FR Cite     |
|------------|----------|-------------|
| NPRM-CPG1  | 04/20/94 | 59 FR 18892 |
| Final CPG1 | 05/01/95 | 60 FR 21370 |
| NPRM CPG2  | 11/07/96 | 61 FR 57748 |
| Final CPG2 | 11/13/97 | 62 FR 60962 |
| NPRM-CPG3  | 08/26/98 | 63 FR 45558 |

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| Final-CPG3-RMAN3           | 01/19/00 | 65 FR 3069  |
| NPRM CPG4                  | 08/28/01 | 66 FR 45256 |
| NODA on Nylon Carpet       | 07/16/03 | 68 FR 42040 |
| NPRM-CPG5                  | 12/10/03 | 68 FR 68813 |
| Final-CPG4-RMAN4           | 04/30/04 | 69 FR 24028 |
| Final CPG 5                | 04/00/07 |             |
| Final CPG for Nylon Carpet | To Be    | Determined  |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3545; EPA publication information: Marlene Reddoor is the contact for the nylon carpet rule; EPA Docket information: For CPG V rule: EPA-HQ-RCRA-2003-0005

**Sectors Affected:** 92119 All Other General Government; 92111 Executive Offices

**URL For More Information:**

www.epa.gov/cpg

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RIN: 2050-AE23

**3312. REGULATION OF OIL-BEARING HAZARDOUS SECONDARY MATERIALS FROM THE PETROLEUM REFINING INDUSTRY PROCESSED IN A GASIFICATION SYSTEM TO PRODUCE SYNTHESIS GAS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937; 42 USC 6938; 42 USC 6939; 42 USC 6974

**CFR Citation:** 40 CFR 260; 40 CFR 261

**Legal Deadline:** None

**Abstract:** The U.S. Environmental Protection Agency (EPA) is considering finalizing revisions to the RCRA hazardous regulations to exclude oil-bearing secondary materials, generated by the petroleum refining industry, from the definition of solid waste if the materials are destined to be processed in a gasification device manufacturing synthesis gas fuel. We are considering this exclusion in order to clarify and simplify RCRA jurisdiction, and to be consistent with other comparable existing exclusions in the petroleum refining industry.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/25/02 | 67 FR 13684 |
| Final Action | 04/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4411; This is an extension of a previous notice that contained the following RIN 2050-AD88.

**Sectors Affected:** 32411 Petroleum Refineries

**Agency Contact:** Elaine Eby, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460

## EPA—Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

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RIN: 2050-AE78

### 3313. HAZARDOUS WASTE MANIFEST REVISIONS—STANDARDS AND PROCEDURES FOR ELECTRONIC MANIFESTS

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

RIN: 2050-AG20

### 3314. CRITERIA FOR SAFE AND ENVIRONMENTALLY PROTECTIVE USE OF GRANULAR MINE TAILINGS

**Priority:** Other Significant

**Legal Authority:** PL 109-59

**CFR Citation:** 40 CFR 278

**Legal Deadline:** Final, Statutory, February 6, 2006. The 2005 Transportation Equity Act requires the Agency to establish criteria within 180 days of enactment.

**Abstract:** The 2005 Transportation Equity Act requires EPA to establish criteria for the safe and environmentally protective use of granular mine tailings (chat) from the Tar Creek, Oklahoma Mining District in cement and concrete products and in transportation construction projects.

#### Timetable:

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 04/04/06 | 71 FR 16729 |
| Final Action | 06/00/07 |             |

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5019; EPA Docket information: EPA-HQ-RCRA-2006-0097

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RIN: 2050-AG27

## Environmental Protection Agency (EPA)

## Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

### 3315. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES—NON-POWER PRODUCERS AND MINEFILLING

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944

**CFR Citation:** 40 CFR 257

**Legal Deadline:** None

**Abstract:** This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by non-utility combustors. Non-utility combustors are commercial, industrial, and institutional facilities that burn coal in boilers to generate steam. The regulations will also apply to mine facilities where any coal combustion wastes are managed, (i.e., backfilled into mined areas). This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65

FR 32214, May 22, 2000), in which the Agency concluded that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. As described in the regulatory determination, there is sufficient evidence that adequate controls may not be in place. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency has completed information collection efforts and is analyzing this information. The Agency will also analyze the human health and eco risks, costs, and economic impact of this action as it develops the proposed regulations.

The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, but has rejected this approach as discussed in the regulatory determination (see 65 FR 32214, May 22, 2000). EPA has also considered issuing guidance to industry and State and local governments to focus on the waste management issues but concluded that there will probably

continue to be some gaps in practices and controls and is concerned at the possibility that these will go unaddressed. The Agency is considering alternatives to regulation of mine placement under RCRA per this action, including consulting with the U.S. Department of the Interior on appropriate measures under the Surface Mining Control and Reclamation Act (SMCRA) or some combination of both SMCRA and RCRA.

#### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 10/00/08 |         |

#### Regulatory Flexibility Analysis Required: Undetermined

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4469; This rule may also impact Federal, State, local or tribal governments that own/operate coal-burning facilities (excluding facilities that primarily generate electric power for sale) or coal

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

mines that accept coal combustion wastes.

**Sectors Affected:** 325 Chemical Manufacturing; 2121 Coal Mining; 22112 Electric Power Transmission, Control and Distribution; 311 Food Manufacturing; 337 Furniture and Related Product Manufacturing; 62 Health Care and Social Assistance; 322 Paper Manufacturing; 331 Primary Metal Manufacturing; 313 Textile Mills; 336 Transportation Equipment Manufacturing

**URL For More Information:**

<http://www.epa.gov/epaoswer/other/fossil/index.htm>

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**RIN:** 2050-AE83

**3316. RCRA SMARTER WASTE REPORTING**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6907; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937 to 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104-13

**CFR Citation:** 40 CFR 260.31; 40 CFR 261.4; 40 CFR 261.38; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56; 40 CFR 265.73; 40 CFR 265.98 et seq; 40 CFR 266.103; 40 CFR 268.7; 40 CFR 268.9; 40 CFR 270.16; 40 CFR 270.17

**Legal Deadline:** None

**Abstract:** As part of its response to the Paperwork Reduction Act, EPA formed the RCRA Burden Reduction Initiative. The Agency is reviewing additional Burden Reduction opportunities, some of which were proposed but not included in the Burden Reduction Initiative final rule. Additionally, EPA will look for opportunities for burden reduction within the Biennial Report. Moving from a paper system to an electronic system focused on information gathered and generated by Treatment, Storage, and Disposal Facilities may provide for significant Burden Reduction savings.

**Timetable:**

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4735;

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**RIN:** 2050-AF01

**3317. E-CYCLING PILOT PROJECT FOR REGION 3 STATES (ECOS); STREAMLINING RCRA REGULATIONS TO ENCOURAGE REUSE, RECYCLING, AND RECOVERY OF ELECTRONIC EQUIPMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

**CFR Citation:** 40 CFR 261.4(a)(24); 40 CFR 261.40

**Legal Deadline:** None

**Abstract:** This project is the result of an Environmental Council of States (ECOS) partnership agreement that EPA Region 3 entered into with the six State environmental agencies. As part of the partnership agreement, the Region agreed to prepare a regional rule and to expedite its promulgation by using the direct final rulemaking process. The direct final was withdrawn because there were adverse comments on the rule. Originally, this regional rule was to be used as a model for electronic recycling nationwide. By using this innovative approach to have a regional e-Cycling Pilot Project, EPA Region 3 and the Mid-Atlantic States (DE, DC, MD, PA, VA, WV) will be able to provide additional information. However, the usefulness of this rule as a pilot project will likely be overtaken upon promulgation of EPA's national proposed cathode ray tube (CRTs) exclusion from the definition of solid waste (e.g., CRTs are the video display components of televisions and computer monitors). The national rule

is currently being reviewed within the Agency.

**Timetable:**

| Action                 | Date             | FR Cite     |
|------------------------|------------------|-------------|
| NPRM                   | 12/26/02         | 67 FR 78761 |
| Direct Final           | 12/26/02         | 67 FR 78718 |
| Direct Final Withdrawn | 02/24/03         | 68 FR 8553  |
| Final Action           | To Be Determined |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4701

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**RIN:** 2003-AA00

**3318. REVISIONS FOR TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6901 et seq

**CFR Citation:** 40 CFR 262 subpart H (Revision); 40 CFR 262.58; 40 CFR 264.12(a)(2); 40 CFR 265.12(a)(2)

**Legal Deadline:** None

**Abstract:** The Agency is considering changing the existing regulation 40 CFR 262 subpart H, which regulates transboundary movement of hazardous waste within all countries that are members of the Organization for Economic Cooperation and Development (OECD). This is in response to the fact that there is now approximately \$30 billion to 40 billion in annual trade among developed countries in waste recyclables, with the United States having a positive trade balance. Because each of the developed countries (the OECD countries) had a different system for controlling the exports and imports of waste, including recyclables, the international recycling

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market was not as efficient as it could be. A more streamlined, uniform system for exports and imports will also increase recycling and lessen disposal. The United States was actively involved in the negotiation of a legally binding OECD multilateral agreement to create a more streamlined system. OECD Member countries are then obligated to transfer the terms of the multilateral agreement to their domestic regulations in order for the multilateral agreement to have legal authority. This regulation would be amended to comply with changes passed by the OECD Council. Existing waste lists may be restructured to comply with the new OECD waste lists. As such, previously existing waste lists may be renamed according to adopted OECD terminology. Shipments of small waste amounts destined for laboratory analysis may be exempted from filing certain paperwork requirements that are otherwise required. A certificate of recovery may be required upon final recovery of wastes and timeframes for recovery operations may be changed to reflect the decisions made by the OECD Council. This needs to have a Federal solution because international exports and imports are overseen at the Federal level due to the foreign powers authority clause. Many alternatives were considered by Government and industry during the intensive negotiations on the legally binding multilateral agreement, with the United States having a great deal of influence over which alternatives were in the final agreement. The Agency plans to codify the streamlining provisions of the OECD multilateral agreement, regulating exporters and importers of waste recyclables. Exporters and importers of waste recyclables will need to implement the international uniform procedures of the OECD multilateral agreement, however these costs will be less than would be needed to deal with different national export and import systems. In addition, some common existing export and import procedures were streamlined so that the new procedures are even more efficient than was common in the past. The benefits are greater administrative efficiency for U.S. exporters and importers in the international recycling market, and a lower level of waste disposal in the United States since there is more efficient access to other recycling markets.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/08 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4606; EPA Docket information: EPA-HQ-RCRA-2005-0018**Agency Contact:** Marc Thomas, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460  
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Phone: 703 308-8196  
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Email: mcalister.frank@epa.gov**RIN:** 2050-AE93**3319. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)****Priority:** Other Significant**Legal Authority:** 42 USC 6912(a); 42 USC 6924; 42 USC 6925; 42 USC 6926**CFR Citation:** 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761**Legal Deadline:** None**Abstract:** EPA's regulations require companies to provide financial assurance for environmental obligations, and allow companies that meet certain requirements to self insure their environmental obligations for closure, post-closure care, and third party liability. EPA proposed a revised financial test because the revised test would be better at predicting which firms will enter bankruptcy and not be able to cover their financial assurance obligations at hazardous waste treatment, storage, and disposal facilities. If such a firm were to enter bankruptcy, the Government could incur the clean up liability. EPA's regulations set the minimum national standards for State hazardous waste programs, and so a change in Federal requirements would be necessary to ensure consistent improvements in the test. Without rulemaking, States would have the option of not adopting these

changes, and so the improvement in the test would not be implemented in States that cannot have regulations that are more stringent than Federal standards. The proposal considered several alternative financial tests, and the analysis supporting the original proposal found that the savings from the proposed alternative would be \$19 million in public and private costs. If EPA promulgates a revised financial test, it may affect companies that treat, store, or dispose of hazardous waste. EPA has suspended work on this rulemaking because it has asked the Environmental Financial Advisory Board (a Federal advisory committee) to evaluate the financial test proposed in 1991 as one means of complying with the requirements for financial assurance for closure and post-closure under RCRA subtitle C. Specifically, EPA has asked the Board, "Should EPA adopt the financial test proposed in 1991 for hazardous waste, or have advancements in financial analysis provided better potential tests in the meantime?" In January of 2006, the Board communicated their initial findings on the financial test and corporate guarantee as methods to meet financial assurance requirements under RCRA programs. The Agency is currently evaluating these findings, and other information, to determine how to proceed with the 1991 proposed rulemaking.

**Timetable:**

| Action        | Date     | FR Cite     |
|---------------|----------|-------------|
| NPRM Original | 07/01/91 | 56 FR 30201 |
| NPRM          | 10/12/94 | 59 FR 51523 |
| Final Action  | To Be    | Determined  |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 2647;**Sectors Affected:** 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 33299 All Other Fabricated Metal Product Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 331311 Alumina Refining; 4411 Automobile Dealers; 323110 Commercial Lithographic Printing; 334 Computer

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and Electronic Product Manufacturing; 22111 Electric Power Generation; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 325193 Ethyl Alcohol Manufacturing; 221112 Fossil Fuel Electric Power Generation; 45431 Fuel Dealers; 4471 Gasoline Stations; 811111 General Automotive Repair; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 33271 Machine Shops; 56292 Materials Recovery Facilities; 333319 Other Commercial and Service Industry Machinery Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 42271 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 325211 Plastics Material and Resin Manufacturing; 323114 Quick Printing; 22132 Sewage Treatment Facilities; 48422 Specialized Freight (except Used Goods) Trucking, Local; 311942 Spice and Extract Manufacturing; 336 Transportation Equipment Manufacturing; 56211 Waste Collection; 56221 Waste Treatment and Disposal

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**RIN:** 2050-AC71

### 3320. REVISIONS OF THE LEAD-ACID BATTERY EXPORT NOTIFICATION AND CONSENT REQUIREMENTS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6901 et seq

**CFR Citation:** 40 CFR subpart G 266.80 (a)

**Legal Deadline:** None

**Abstract:** Currently, generators, transporters and facilities that reclaim but do not store spent lead-acid batteries are exempt from hazardous waste management requirements, as specified in 40 CFR part 266 subpart G. Spent lead-acid batteries destined for export/reclamation are not, therefore, subject to RCRA manifesting or export notification and consent requirements

specified in 40 CFR part 262. Allowing the export of spent lead-acid batteries without prior notice and consent of the receiving country is not consistent with widely-accepted international practices. Similarly, the exemption contrasts with more recent Universal Waste requirements in 40 CFR part 262, which require export notice and consent for comparable waste streams. The purpose of this regulation is to modify the spent lead-acid battery exemption to require appropriate notice and consent for those batteries intended for export.

#### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/08 |         |

#### Regulatory Flexibility Analysis Required: Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4778

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**RIN:** 2050-AF06

### 3321. RULEMAKING TO STREAMLINE LABORATORY WASTE MANAGEMENT IN ACADEMIC AND RESEARCH LABORATORIES

**Priority:** Other Significant

**Legal Authority:** 42 USC 6922

**CFR Citation:** 40 CFR 262

**Legal Deadline:** None

**Abstract:** The College and University Laboratory rulemaking is focusing on the ways to make the Resource Conservation and Recovery Act a better fit for the laboratory setting and to

improve reuse, recycling, and the overall management of chemicals in the laboratory settings. EPA recognizes the unique aspects of academic laboratories compared with large manufacturing processes. For example, academic laboratories generate small amounts of many different wastes while large manufacturing processes tend to generate large amounts of a few wastes. Our goal is to improve the program to better protect human health and the environment, through standards that are harmonious with the way academic laboratories operate. Our aim is to improve compliance, not by relaxing the standards, but by improving the fit through regulatory changes to 40 CFR 262.34.

#### Timetable:

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 05/23/06 | 71 FR 29712 |
| Final Action | To Be    | Determined  |

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4920; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/May/Day-23/f4654.htm>; No legal deadline; EPA Docket information: EPA-HQ-RCRA-2003-0012

**Sectors Affected:** 6113 Colleges, Universities and Professional Schools; 6112 Junior Colleges

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**RIN:** 2050-AG18

**Environmental Protection Agency (EPA)  
Resource Conservation and Recovery Act (RCRA)**
**Completed Actions**
**3322. REVISIONS TO SOLID WASTE  
LANDFILL CRITERIA—LEACHATE  
RECIRCULATION ON ALTERNATIVE  
LINERS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 258

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/18/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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**RIN:** 2050-AE67

**3323. RECYCLING OF CATHODE RAY  
TUBES (CRTS): CHANGES TO  
HAZARDOUS WASTE REGULATIONS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 261

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 06/12/02 | 67 FR 40508 |
| Final Action | 07/28/06 | 71 FR 42928 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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**RIN:** 2050-AE52

**3324. INCREASE METALS  
RECLAMATION FROM F006 WASTE  
STREAMS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 261

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/14/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2050-AE97

**3325. REVISIONS TO THE DEFINITION  
OF SOLID WASTE FINAL RULE**

**Priority:** Economically Significant.

Major under 5 USC 801.

**CFR Citation:** 40 CFR 261.2

**Completed:**

| Reason                                     | Date     | FR Cite     |
|--|----------|-------------|
| NPRM                                       | 10/28/03 | 68 FR 61558 |
| Withdrawn, Merged<br>with RIN<br>2050-AG31 | 08/29/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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**RIN:** 2050-AE98

**3326. • EXTENSION OF  
SITE-SPECIFIC REGULATIONS FOR  
NE LABS XL PROJECT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6912, 6922, and 6926

**CFR Citation:** 40 CFR 262.10;40 CFR 262.10(j) (Revision);40

**Legal Deadline:** None

**Abstract:** This direct final rulemaking will once again extend the Federal rule previously promulgated to facilitate a different program of waste management in three New England universities (New England Universities Laboratories XL Project) from current end date of September 30, 2006, to April 15, 2009. The original rule, promulgated September 28, 1999, and in effect for four years, was previously extended for three years, from September 30, 2003, to September 30, 2006. This action which enables these projects to continue will be approved and signed by the Regional Administrator of EPA Region 1, by virtue of special one-time delegations of rulemaking authority from the EPA Administrator.

**Timetable:**

| Action              | Date     | FR Cite     |
|---------------------|----------|-------------|
| NPRM                | 06/21/06 | 71 FR 35593 |
| Direct Final Action | 06/21/06 | 71 FR 35547 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Additional Information:** SAN No.

4815.1; EPA publication information: NPRM -

<http://www.epa.gov/fedrgstr/EPA-WASTE/2006/June/Day-21/f9753.htm>; Split from RIN 2001-AA00.

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**RIN:** 2001-AA01

**Environmental Protection Agency (EPA)**  
**Oil Pollution Act (OPA)**

Proposed Rule Stage

**3327. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE, 40 CFR PART 112**

**Regulatory Plan:** This entry is Seq. No. 111 in part II of this issue of the Federal Register.

RIN: 2050-AG16

**Environmental Protection Agency (EPA)**  
**Oil Pollution Act (OPA)**

Final Rule Stage

**3328. OIL POLLUTION PREVENTION; SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) REQUIREMENTS—AMENDMENTS**

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

RIN: 2050-AG23

**Environmental Protection Agency (EPA)**  
**Comprehensive Environmental Response, Compensation and Liability Act**

Proposed Rule Stage

**3329. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 9605

**CFR Citation:** 40 CFR 300.425

**Legal Deadline:** None

**Abstract:** This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Final 20           | 03/06/98 | 63 FR 11332 |
| NPRM 24            | 03/06/98 | 63 FR 11340 |
| Final 21           | 07/28/98 | 63 FR 40182 |
| NPRM 25            | 07/28/98 | 63 FR 40247 |
| Final Tex-Tin      | 09/18/98 | 63 FR 49855 |
| Final 22           | 09/29/98 | 63 FR 51848 |
| NPRM 26            | 09/29/98 | 63 FR 51882 |
| Final 23           | 01/19/99 | 64 FR 2942  |
| NPRM 27            | 01/19/99 | 64 FR 2950  |
| NPRM Midnight Mine | 02/16/99 | 64 FR 7564  |
| NPRM 28            | 04/23/99 | 64 FR 19968 |
| Final 24           | 05/10/99 | 64 FR 24949 |

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| NPRM Alameda             | 05/10/99 | 64 FR 24990 |
| Final 25                 | 07/22/99 | 64 FR 39878 |
| NPRM 29                  | 07/22/99 | 64 FR 39886 |
| Final Pools Prairie      | 09/17/99 | 64 FR 50459 |
| NPRM 30                  | 10/22/99 | 64 FR 56992 |
| Final Action             | 10/22/99 | 64 FR 56966 |
| Final 26                 | 02/04/00 | 65 FR 5435  |
| NPRM 31                  | 02/04/00 | 65 FR 5468  |
| Final 28                 | 05/11/00 | 65 FR 30482 |
| NPRM 32                  | 05/11/00 | 65 FR 30489 |
| Final 29                 | 07/27/00 | 65 FR 46096 |
| NPRM 33                  | 07/27/00 | 65 FR 46131 |
| NPRM Alabama/Malone      | 08/24/00 | 65 FR 51567 |
| Final 30                 | 12/01/00 | 65 FR 75179 |
| NPRM 34                  | 12/01/00 | 65 FR 75215 |
| NPRM 35                  | 01/11/01 | 66 FR 2380  |
| Final 31                 | 06/14/01 | 66 FR 32235 |
| NPRM 36                  | 06/14/01 | 66 FR 32287 |
| Final 32                 | 09/13/01 | 66 FR 47583 |
| NPRM 37                  | 09/13/01 | 66 FR 47612 |
| NPRM Libby/Omaha         | 02/26/02 | 67 FR 8836  |
| Final adds 19 sites      | 09/05/02 | 67 FR 56757 |
| NPRM 38                  | 09/05/02 | 67 FR 56794 |
| Final Action—            | 10/24/02 | 67 FR 65315 |
| Final Action—            | 04/30/03 | 68 FR 23077 |
| NPRM 1                   | 04/30/03 | 68 FR 23094 |
| Final 35 (adds 12 sites) | 09/29/03 | 68 FR 55875 |
| NPRM 40                  | 03/08/04 | 69 FR 10646 |
| Final 36                 | 07/23/04 | 69 FR 43755 |
| NPRM—Vieques             | 08/13/04 | 69 FR 50115 |
| Final 37                 | 09/23/04 | 69 FR 56949 |
| NPRM 41                  | 09/23/04 | 69 FR 56970 |

| Action        | Date     | FR Cite     |
|---------------|----------|-------------|
| Final—Vieques | 02/11/05 | 70 FR 7184  |
| Final 38      | 04/27/05 | 70 FR 21644 |
| NPRM 42       | 04/27/05 | 70 FR 21718 |
| Final 39      | 09/14/05 | 70 FR 54286 |
| NPRM 43       | 09/14/05 | 70 FR 54327 |
| Final 40      | 04/19/06 | 71 FR 20016 |
| NPRM—44       | 04/19/06 | 71 FR 20052 |
| Final 41      | 12/00/06 |             |
| NPRM 45       | 12/00/06 |             |
| Final 42      | 03/00/07 |             |
| NPRM 46       | 03/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3439; EPA Docket information: [www.regulations.gov](http://www.regulations.gov) EPA-HQ-SFUND-2006-XXXX

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

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**EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage**

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**Environmental Protection Agency (EPA)****Final Rule Stage****Comprehensive Environmental Response, Compensation and Liability Act**

**3330. REVISE 40 CFR PART 35  
SUBPART O: COOPERATIVE  
AGREEMENTS AND SUPERFUND  
STATE CONTRACTS FOR  
SUPERFUND RESPONSE ACTIONS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9604(a)-(j)

**CFR Citation:** 40 CFR 35 subpart O

**Legal Deadline:** None

**Abstract:** 40 CFR part 35 subpart O prescribes requirements for administering cooperative agreements (CAs) awarded to States, Indian tribes, and political subdivisions to conduct remedial actions, non-time-critical removal actions, pre-remedial activities, and other response activities authorized by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(a)-(j). In addition, subpart O prescribes requirements for the Superfund State Contract that is necessary whenever EPA or a political subdivision is the

lead agency for a CERCLA remedial action. Subpart O was promulgated on June 5, 1990, and became effective on July 5, 1990. Since then, the Superfund program has demonstrated several process improvements that are not authorized under the current regulation. For example, the 16 Block Funding Reform pilots established during 1997 to 2000 generated at least 60 approved requests for deviations from subpart O and 40 CFR 31. The planned revisions to subpart O are expected to make it possible to use the process innovations tested in the pilot projects without having to obtain deviations. The planned revisions are also expected to update cross-references to other regulations that have changed, and eliminate references to obsolete forms and regulations.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 03/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4177;

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**RIN:** 2050-AE62

**Environmental Protection Agency (EPA)****Long-Term Actions****Comprehensive Environmental Response, Compensation and Liability Act**

**3331. CORRECTION OF ERRORS AND  
ADJUSTMENT OF CERCLA  
REPORTABLE QUANTITIES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9602 and 9603

**CFR Citation:** 40 CFR 302 (Revision)

**Legal Deadline:** None

**Abstract:** The Agency is considering a proposal for corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F- and K- waste streams and entries in appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in table 302.4, appendix A to section 302.4, and the table in section 302.6(b)(iii); removal of other entries from these lists; and

amendments to certain footnotes that explain entries in table 302.4.

**Timetable:**

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4737;

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**RIN:** 2050-AF03

**3332. NATIONAL CONTINGENCY  
PLAN REVISIONS TO ALIGN WITH  
THE NATIONAL RESPONSE PLAN**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9601 et seq

**CFR Citation:** 40 CFR 300

**Legal Deadline:** None

**Abstract:** The purpose of this regulation is to revise the National Contingency Plan (NCP) to align it with the National Response Plan (NRP), as required by the Department of Homeland Security. The purpose of the NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants (see 40 CFR 300.1). The purpose of the NRP is to provide a common organizational structure and procedures for Federal departments and agencies to provide emergency and disaster assistance to



**EPA—Comprehensive Environmental Response, Compensation and Liability Act Long-Term Actions**

State, tribal, and local governments for incidents of national significance. The NRP was developed by the Department of Homeland Security, in close consultation with Federal (including EPA), State, tribal, local governments, first responder organizations, private sector preparedness and relief groups. Alignment of the NCP with the NRP will facilitate smooth integration of emergency response activities under the NCP with the NRP when both plans are activated. The NRP does not alter the existing authorities of Federal departments and agencies, but rather, establishes the coordinating structures, processes, and protocols required to integrate the authorities of various agencies into an all-hazard approach to

incident management. EPA is making another minor revision to the NCP. The descriptions of Federal agency capabilities are being updated, and modifications are being made, where appropriate to reflect the new Department of Homeland Security organization.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4971;

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**RIN:** 2050-AG22**Environmental Protection Agency (EPA) Completed Actions  
Comprehensive Environmental Response, Compensation and Liability Act****3333. REPORTABLE QUANTITY ADJUSTMENTS FOR CARBAMATES AND CARBAMATE-RELATED HAZARDOUS WASTE STREAMS; REPORTABLE QUANTITY ADJUSTMENT FOR INORGANIC CHEMICAL MANUFACTURING PROCESS WASTE (K178)****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 302; 40 CFR 355**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 12/04/03 | 68 FR 67916 |
| Final Action | 08/16/06 | 71 FR 47106 |

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

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**RIN:** 2050-AE12**3334. ADMINISTRATIVE REPORTING EXEMPTION FOR CERTAIN AIR RELEASES OF NOX****Priority:** Other Significant**CFR Citation:** 40 CFR 302.6; 40 CFR 355.40**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/04/06 | 71 FR 58525 |

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

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**RIN:** 2050-AF02**Environmental Protection Agency (EPA) Proposed Rule Stage  
Clean Water Act (CWA)****3335. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES-PHASE II****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1322; 33 USC 1361**CFR Citation:** 40 CFR 1700**Legal Deadline:** Final, Statutory, May 10, 2001.

**Abstract:** This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996

the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which pre-empt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design, and build environmentally sound vessels, to encourage innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these

regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as hull coating leachate); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish performance standards for control devices for these 25 discharges. The

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

Phase II performance standards will be promulgated in five “batches.” Each batch will address several performance standards. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 05/00/07 |         |
| Final Action | 08/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

**Additional Information:** SAN No. 4357;

**URL For More Information:**

[www.epa.gov/waterscience/rules/unds](http://www.epa.gov/waterscience/rules/unds)

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**RIN:** 2040-AD39

**3336. NPDES PERMIT REQUIREMENTS FOR MUNICIPAL SANITARY AND COMBINED SEWER COLLECTION SYSTEMS, MUNICIPAL SATELLITE COLLECTION SYSTEMS, SANITARY SEWER OVERFLOWS, AND PEAK EXCESS FLOW TREATMENT FACILITIES**

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311, CWA 301; 33 USC 1314, CWA 304; 33 USC 1318, CWA 308; 33 USC 1342, CWA 402; 33 USC 1361, CWA 501(a)

**CFR Citation:** 40 CFR 122.38; 40 CFR 122.41; 40 CFR 122.42

**Legal Deadline:** None

**Abstract:** EPA is considering whether to develop a notice of rulemaking outlining a broad-based regulatory framework for sanitary sewer collection systems under the NPDES program. The Agency is considering proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The standard requirements would address reporting, public notification, and recordkeeping requirements for sanitary sewer overflows (SSOs), capacity assurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems; and a prohibition on SSOs. The Agency is also considering proposing a regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality.

**Timetable:**

| Action       | Date             | FR Cite |
|--------------|------------------|---------|
| NPRM         | 12/00/06         |         |
| Final Action | To Be Determined |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3999; EPA publication information: Final Action-projected date; Note: This rule was formerly known as “Revisions to NPDES Requirements for Compliance Reporting and Collection System Discharges.”

**Sectors Affected:** 22132 Sewage Treatment Facilities

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

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**RIN:** 2040-AD02

**3337. • AVAILABILITY OF AND PROCEDURES FOR REMOVAL CREDITS**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1251, CWA 101; 33 USC 1288, CWA 208; 33 USC 1311, CWA 301; 33 USC 1314, CWA 304; 33 USC 1317, CWA 307; 33 USC 1318, CWA 308; 33 USC 1319, CWA 309; 33 USC 1342, CWA 402; 33 USC 1345, CWA 405; 33 USC 1361, CWA 501

**CFR Citation:** 40 CFR 403

**Legal Deadline:** None

**Abstract:** This action is an update to the removal credits regulation found at 40 CFR 403.7. Specifically, EPA will propose to amend the list of pollutants eligible for removal credits in 40 CFR 403.7, Appendix G, Table II, to add 16 pollutants that EPA has determined would not need to be regulated under the sewage sludge regulations. These 16 pollutants have gone through the same assessment as the pollutants currently identified as eligible for removal credits in Table II; the assessment included public notice and comment in conjunction with a related Office of Water action.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| ANPRM        | 10/14/05 | 70 FR 60199 |
| NPRM         | 01/00/07 |             |
| Final Action | 07/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3663.1; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2005/October/Day-14/w20000.htm>; Split from RIN 2040-AC58.

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## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

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RIN: 2040-AE88

**Environmental Protection Agency (EPA)  
Clean Water Act (CWA)**

## Final Rule Stage

**3338. TEST PROCEDURES: NEW AND UPDATED TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314; 33 USC 1361(a); 42 USC 300f; 42 USC 300g-1; 42 USC 300j-4; 42 USC 300j-9(a)

**CFR Citation:** 40 CFR 122; 40 CFR 136; 40 CFR 141

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the “Guidelines Establishing Test Procedures for the Analysis of Pollutants” under 40 CFR part 136 and the National Primary Drinking Water Regulations under 40 CFR part 141 to approve new and updated EPA methods for wastewater, ambient water quality, and drinking water, including new and updated versions of methods from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater, ambient water quality and/or drinking water programs, as authorized under the Clean Water Act and Safe Drinking Water Act. The proposal included new methods for metals, such as Method 200.8 (which utilizes ICP/MS), new methods for chemical pollutants (e.g., Method 245.7), updated methods for chemical pollutants (e.g., Methods 300.1 and 200.7), including methods from voluntary consensus standards bodies, and from other external organizations submitted under EPA’s alternate test procedure program. The new and updated methods include methods from organizations such as the American Society for Testing and Materials, International Standard Methods, and the Association of Official Analytical Chemists-International.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 04/06/04 | 69 FR 18166 |
| NODA         | 02/16/05 | 70 FR 7909  |
| Final Action | 12/00/06 |             |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4540; EPA publication information: NPRM - [www.epa.gov/fedrgst/EPA-WATER/2004/April/Day-06/w6427.html](http://www.epa.gov/fedrgst/EPA-WATER/2004/April/Day-06/w6427.html); This action incorporates the following analytical methods that had previously been tracked independently: 1. RIN 2040-AC95, SAN 3155 - Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase One 2. RIN 2040-AD12, SAN 4089 - Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase Two, and 3. RIN 2040-AD52, SAN 4377 - Test Procedures for the Analysis of Mercury Under the Clean Water Act (Method 245.7); EPA Docket information: OW-2003-0070

**URL For More Information:**

[www.epa.gov/waterscience/methods/](http://www.epa.gov/waterscience/methods/)

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RIN: 2040-AD71

**3339. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR PEAK WET WEATHER DISCHARGES FROM PUBLICLY OWNED TREATMENT WORK TREATMENT PLANTS SERVING SANITARY SEWER COLLECTION SYSTEMS POLICY**

**Regulatory Plan:** This entry is Seq. No. 130 in part II of this issue of the **Federal Register**.

RIN: 2040-AD87

**3340. TEST PROCEDURES FOR THE ANALYSIS OF E. COLI, ENTEROCOCCI, FECAL COLIFORMS, AND SALMONELLA UNDER THE CLEAN WATER ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1345; 33 USC 1361(a)

**CFR Citation:** 40 CFR sec 136.3

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the “Guidelines Establishing Test Procedures for the Analysis of Pollutants” under 40 CFR part 136 to approve several microbiological methods for monitoring wastewater and biosolids for use by testing laboratories. The rule will include several analytical methods for monitoring E. coli and Enterococci in wastewater and several analytical methods for monitoring fecal coliforms and salmonella in biosolids. Test procedures in part 136 must be used in implementing the NPDES program.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/16/05 | 70 FR 48256 |
| Final Action | 12/00/06 |             |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4950; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA->

## EPA—Clean Water Act (CWA)

## Final Rule Stage

WATER/2005/August/Day-16/w16195.htm; EPA Docket information: OW-2004-0014

**URL For More Information:**

www.epa.gov/waterscience/methods

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**RIN:** 2040-AE68

**3341. 2006 EFFLUENT GUIDELINES PROGRAM PLAN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 307

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, September 5, 2006, Final Plan.

**Abstract:** EPA publishes a final Effluent Guidelines Plan every other year after taking comment on a preliminary plan, as required by Section 304(m) of the Clean Water Act. This Federal Register notice presents EPA's Effluent Guidelines Program Plan for 2006. This notice also discusses EPA's annual review of effluent limitations guidelines and standards undertaken pursuant to sections 304(b), 304(g), and 307(b). EPA's 2006 Plan will identify guidelines that may be revised or new guidelines that may be developed, and will provide a schedule for such rulemaking.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/29/05 | 70 FR 51042 |
| NPRM Comment Period End | 10/28/05 |             |
| Final Plan              | 12/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4965; EPA publication information: NPRM - www.epa.gov/fedrgstr/EPA-WATER/2005/August/Day-

29/w17032.htm; EPA Docket information: OW-2004-0032

**URL For More Information:**

www.epa.gov/guide/plan.html

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**RIN:** 2040-AE76

**3342. RULEMAKING ON DIRECT APPLICATION OF PESTICIDES TO WATERS OF THE UNITED STATES IN COMPLIANCE WITH FIFRA**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1251 et seq

**CFR Citation:** 40 CFR 122.3

**Legal Deadline:** None

**Abstract:** EPA is working to take final action on its February 1, 2005, proposed rulemaking and interpretive statement entitled "Application of Pesticides to Waters of the United States in Compliance with FIFRA." The proposed rulemaking would revise the NPDES permit program regulations to clarify that, when pesticides are applied to waters of the United States in compliance with FIFRA, an NPDES permit is not required in two circumstances: (1) The application of pesticides directly to waters of the United States in order to control pests. Examples of such applications include applications to control mosquito larvae, aquatic weeds or other pests that are present in the waters of the United States. (2) The application of pesticides to control pests that are present over waters of the United States, including near such waters, that results in a portion of the pesticides being deposited to waters of the United States; for example, when insecticides are aerially applied to a forest canopy where waters of the United States may be present below the canopy or when pesticides are applied over, including

near, water for control of adult mosquitos or other pests.

**Timetable:**

| Action       | Date     | FR Cite    |
|--------------|----------|------------|
| NPRM         | 02/01/05 | 70 FR 5093 |
| Final Action | 12/00/06 |            |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4995; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2005/February/Day-01/w1868.htm;

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**RIN:** 2040-AE79

**3343. CONCENTRATED ANIMAL FEEDING OPERATION RULE**

**Regulatory Plan:** This entry is Seq. No. 131 in part II of this issue of the **Federal Register**.

**RIN:** 2040-AE80

**3344. WATER TRANSFERS RULE**

**Regulatory Plan:** This entry is Seq. No. 132 in part II of this issue of the **Federal Register**.

**RIN:** 2040-AE86

**3345. ● IMPLEMENTATION GUIDANCE FOR MERCURY WATER QUALITY CRITERIA**

**Regulatory Plan:** This entry is Seq. No. 133 in part II of this issue of the **Federal Register**.

**RIN:** 2040-AE87

**Environmental Protection Agency (EPA)**  
**Clean Water Act (CWA)**
**Long-Term Actions**
**3346. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN; SUBPART J PRODUCT SCHEDULE LISTING REQUIREMENTS**
**Priority:** Other Significant

**Legal Authority:** 33 USC 1321(d)(2); CWA 311(d)(2)

**CFR Citation:** 40 CFR 300

**Legal Deadline:** None

**Abstract:** This action will propose revisions to subpart J of the National Contingency Plan (NCP). The Clean Water Act requires EPA to prepare a schedule of dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP. Under subpart J, respondents wishing to add a product to the Product Schedule must submit technical product data to EPA. This rulemaking will propose revisions to subpart J to clarify and change protocols for effectiveness and toxicity testing. It will clarify EPA authority to remove products from the Product Schedule. These changes will help ensure protection of the environment when these products are used to clean up and mitigate oil spills (1) into or upon navigable waters, adjoining shorelines, the waters of the contiguous zone, or (2) which may affect natural resources belonging to or under the exclusive management authority of the United States.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4526;

**Sectors Affected:** 3251 Basic Chemical Manufacturing; 325 Chemical Manufacturing; 3259 Other Chemical Product Manufacturing; 54 Professional, Scientific and Technical Services

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

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**RIN:** 2050-AE87

**3347. EFFLUENT GUIDELINES AND STANDARDS FOR THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY, DISSOLVING KRAFT AND DISSOLVING SULFITE SUBCATEGORIES (PHASE III)**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1342; 33 USC 1361

**CFR Citation:** 40 CFR 430.10 to 430.18; 40 CFR 430.40 to 430.48

**Legal Deadline:** None

**Abstract:** On December 17, 1993, EPA proposed revised effluent limitations, guidelines and standards, and best management practices regulations for the Dissolving Kraft and Dissolving Sulfite Subcategories of the Pulp, Paper, and Paperboard Point Source Category (40 CFR part 430). EPA refers to this rulemaking as Pulp and Paper Phase III. EPA is considering the public comments on the proposed rule and the new data acquired since proposal. EPA will consider as part of its effluent guidelines review process under CWA section 304 (b) whether to proceed with the rulemaking or whether assistance to States will more appropriately address any concerns with discharges from these facilities.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 12/17/93 | 58 FR 66078 |
| Final Action | To Be    | Determined  |

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4370; EPA publication information: Final Action-projected date;

**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills

**URL For More Information:**
[www.epa.gov/waterscience/pulppaper/reg.html](http://www.epa.gov/waterscience/pulppaper/reg.html)

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**RIN:** 2040-AD49

**3348. TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT**
**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1314, CWA 304; 33 USC 1361(a), CWA 501 (a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This proposal would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new EPA methods for the determination of trace metals at EPA's water quality criteria levels. These methods are necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's water quality standard. Because the methods currently approved under 40 CFR part 136 were designed to support primarily technology-based permitting needs, and because these technology-based levels are as much as 280 times higher than water quality-based criteria for metals, EPA is pursuing approval of new test procedures.

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| NPRM         | To Be | Determined |
| Final Action | To Be | Determined |

**Regulatory Flexibility Analysis**
**Required:** No

**Small Entities Affected:** No

## EPA—Clean Water Act (CWA)

## Long-Term Actions

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3702;

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**RIN:** 2040-AC75

**3349. TEST PROCEDURES:  
INCREASED METHOD FLEXIBILITY  
FOR TEST PROCEDURES APPROVED  
FOR CLEAN WATER ACT  
COMPLIANCE MONITORING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314 CWA 304; 33 USC 1361(a) CWA 501 (a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** EPA is considering preparation of a document that would highlight the flexibility already contained in some EPA Methods that are currently approved for Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. These methods typically contain a statement that, in recognition of advances that are occurring in analytical technology, and to allow the analyst to overcome sample matrix interferences, the analyst is permitted certain options to improve separations or lower the costs of measurements. These options include alternate extraction, concentration, cleanup procedures, and changes in columns and detectors. The methods further require the analyst to demonstrate that the method modifications will not adversely affect the quality of data by generating quality control results that meet the specifications contained in the method. Despite this stated flexibility, the Agency has found that many NPDES and pretreatment permitting authorities are not aware of this flexibility when issuing or enforcing NPDES and pretreatment permits.

Therefore, this regulatory action will highlight the existing method flexibility and clarify EPA's position regarding its application. This action will also extend this flexibility to other methods currently approved under 40 CFR part 136. The purpose of extending this flexibility to other methods is to (1) Increase consistency between methods, (2) provide for increased recognition of advances in analytical technology, and (3) reduce costs associated with analytical measurements.

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| NPRM         | To Be | Determined |
| Direct Final | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3714;

**URL For More Information:**

[www.epa.gov/waterscience/methods](http://www.epa.gov/waterscience/methods)

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**RIN:** 2040-AC92

**3350. TEST PROCEDURES:  
PERFORMANCE-BASED  
MEASUREMENT SYSTEM (PBMS)  
PROCEDURES AND GUIDANCE FOR  
CLEAN WATER ACT TEST  
PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314; 33 USC 1361(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This action would establish performance-based measurement procedures and guidance for use in Clean Water Act compliance monitoring under 40 CFR 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would also discuss the format, content, quality assurance/quality control, and data validation requirements for use of test methods. It would also describe EPA's planned steps to provide additional information through technical bulletins,

and/or guidance documents geared toward clarifying technical and policy issues associated with the use of test methods approved for use in the program.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/28/97 | 62 FR 14975 |
| Final Action | To Be    | Determined  |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3713;

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**RIN:** 2040-AC93

**3351. TEST PROCEDURES FOR THE  
ANALYSIS OF CO-PLANAR AND  
MONO-ORTHO-SUBSTITUTED  
POLYCHLORINATED BIPHENYLS  
(PCBS) UNDER THE CLEAN WATER  
ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314; 33 USC 1361(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** The proposal would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR parts 136 and 503 to approve EPA Method 1668 for the congener-specific determination of co-planar and mono-ortho-substituted polychlorinated biphenyls (PCBs) in effluent, ambient water, and sludge. This method is necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's water quality standard. At present there is no EPA analytical method for determination of these PCBs at the levels of concern.

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**Timetable:**

| Action       | Date             | FR Cite |
|--------------|------------------|---------|
| NPRM         | To Be Determined |         |
| Final Action | To Be Determined |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4049;**URL For More Information:**

www.epa.gov/waterscience/methods

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**RIN:** 2040-AD09**3352. NPDES APPLICATIONS REVISIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311, CWA 301; 33 USC 1312, CWA 302; 33 USC 1314, CWA 304; 33 USC 1316, CWA 306; 33 USC 1318, CWA 308; 33 USC 1342, CWA 402; 33 USC 1361, CWA 501

**CFR Citation:** 40 CFR 122; 40 CFR 123; 40 CFR 124**Legal Deadline:** None

**Abstract:** EPA plans to revise NPDES requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include modifying and streamlining existing permit application requirements. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities which implement the NPDES program or are regulated by it. This includes small businesses and State, tribal and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 3786; EPA publication information: Final Action-projected date;

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**RIN:** 2040-AC84**3353. REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-554, sec 1404-1407**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** Title XIV: Certain Alaska Cruise Ship Operations (HR 4577) authorizes EPA to establish effluent standards for black and gray water from cruise ships into the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve. EPA will develop those standards based on the best available scientific information on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. The implementation of these regulations will reduce the environmental impacts of cruise ships operating in the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4746; This rule was formerly known as "Regulations for Cruise Ships Operating in Alaskan Waters"**Sectors Affected:** 483114 Coastal and Great Lakes Passenger Transportation; 483112 Deep Sea Passenger Transportation

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**RIN:** 2040-AD89**3354. EFFLUENT GUIDELINES AND STANDARDS: RECODIFICATION OF VARIOUS EFFLUENT GUIDELINES****Priority:** Info./Admin./Other**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501**CFR Citation:** 40 CFR 401; 40 CFR 419**Legal Deadline:** None

**Abstract:** Several years ago, OW conducted a comprehensive review of effluent guidelines and removed from the Code of Federal Regulations (CFR) provisions contained in a number of regulations that were obsolete or redundant (FR 60 33926, June 29, 1995). In addition to removing these provisions, EPA's Office of Water identified additional opportunities for further streamlining some of the effluent guidelines. This action would recodify the effluent limitations and standards for one point source category and the general definitions without making any legally substantive changes in the requirements. The revised and shorter format will enable Federal, State and local regulators and the regulated community to more easily

## EPA—Clean Water Act (CWA)

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read, understand, and implement the regulations. By reducing the number of pages in title 40, the new format will also afford some long-term savings in the annual cost of printing these regulations. The point source category which would be recodified by this action is Petroleum Refining (part 419). The revisions would also expand the list of general definitions in section 401.11.

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| NPRM         | To Be | Determined |
| Final Action | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4822;

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**RIN:** 2040-AE61

### 3355. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR AIRPORT DEICING OPERATIONS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from airport deicing operations. Based on preliminary study and on public comments, discharges from deicing operations have the potential to cause fish kills, algae blooms, and contamination to surface or ground waters. A likely source of pollutants is aircraft deicing fluid (ADF) that is not properly recaptured, reused or treated before discharge. Deicing agents typically contain glycols and additives. There is great disparity among airports in terms of wastewater treatment and also in terms of

discharge permits. Based on preliminary estimates, airports annually discharge approximately 21 million gallons of ADF. Early estimates of potential reductions from treatment technology and from pollution prevention practices indicate that those discharges could be lowered to 4 million gallons. Effluent guidelines for these operations would apply only to wastewaters that are considered point source discharges. Discharges that are non-point sources would not be subject to any potential effluent guidelines.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 12/00/07 |         |
| Final Action | 09/00/09 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4948; EPA Docket information: OW-2004-0038

**URL For More Information:**

[www.epa.gov/waterscience/guide/airport](http://www.epa.gov/waterscience/guide/airport)

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**RIN:** 2040-AE69

### 3356. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR DRINKING WATER SUPPLY AND TREATMENT

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from drinking water treatment plants. Based on preliminary study and on public comments, discharges from drinking water

facilities have the potential to discharge significant quantities of conventional and toxic pollutants, including metals, chlorine, and salts. Some of the sources of these pollutants are treatment sludges and reverse osmosis reject wastewaters. The preliminary data is not conclusive, and additional study and analysis of treatability is necessary to determine whether pollutant reductions are technologically feasible and economically achievable. The early steps of regulatory development, especially gathering additional discharge data, will be critical to better-informed decisions on how to proceed. EPA is preparing to conduct a study of a representative sample of the industry, along with wastewater sampling of facilities representing different size categories and treatment technologies.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 12/00/07 |         |
| Final Action | 09/00/09 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4949; EPA Docket information: OW-2004-0035

**URL For More Information:**

[www.epa.gov/waterscience/guide/dw/index.htm](http://www.epa.gov/waterscience/guide/dw/index.htm)

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**RIN:** 2040-AE74

### 3357. NEW/REVISED AMBIENT WATER QUALITY CRITERIA (AWQC) FOR RECREATIONAL WATERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 304(a)(9)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, October 5, 2005.

**Abstract:** The results of four fresh water (Great Lakes) epidemiology studies and companion rapid fecal indicator validation studies will be analyzed and evaluated whether to be



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used in establishing the criteria recommended for certain fresh waters designated for primary contact recreation.

**Timetable:**

| Action         | Date             | FR Cite |
|----------------|------------------|---------|
| Draft Guidance | To Be Determined |         |
| Final Guidance | To Be Determined |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

**Additional Information:** SAN No. 4967;

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**RIN:** 2040-AE77

### 3358. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR CHLORINE AND CHLORINATED HYDROCARBON MANUFACTURING PROCESS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 1311 et seq

**CFR Citation:** 40 CFR 414 (Revision); 40 CFR 415 (Revision)

**Legal Deadline:** None

**Abstract:** EPA is considering revising the existing effluent guidelines and standards for the manufacture of chlorinated hydrocarbons and elemental chlorine. We refer to this industrial segment as chlorine and chlorinated hydrocarbons manufacturing, or CCH. Currently, wastewater discharges from chlorinated hydrocarbons manufacturing are subject to the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Point Source Category (40 CFR part 414). The wastewater discharges from chlorine manufacturing through the chlor-alkali manufacturing process are subject to the Inorganic Chemicals Point Source Category (40 CFR part 415). Based on a preliminary study, discharges from vinyl chloride and chlor-alkali manufacturing might contain significant

quantities of toxic pollutants, including dioxin, and in the 2004 Effluent Guidelines Program Plan, EPA identified these two industrial sectors as candidates for possible regulatory revision. EPA has since expanded the scope of this rulemaking study to include all manufacturing processes that produce elemental chlorine and the manufacture of chlorinated hydrocarbons. Chlorinated hydrocarbons that are regulated under the Pesticide Chemicals Manufacturing Point Source Category (40 CFR 455) or the Pharmaceutical Manufacturing Point Source Category (40 CFR 439) are not included in the CCH manufacturing segment. Preliminary estimates of the scope of the rulemaking are that 60 to 70 facilities might be affected.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 03/00/08 |         |
| Final Action | 03/00/11 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4980; This action was previously titled Effluent Limitations Guidelines and Standards for the Vinyl Chloride and Chlor-Alkali Point Source Categories; EPA Docket information: EPA-HQ-OW-2005-0012

**URL For More Information:**

[www.epa.gov/waterscience/guide/cch/](http://www.epa.gov/waterscience/guide/cch/)

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**RIN:** 2040-AE82

### 3359. • 2008 EFFLUENT GUIDELINES PROGRAM PLAN

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 33 USC 1251, et seq; 33 USC 301(d); 33 USC 304(b); 33 USC 304(g); 33 USC 304(m); 33 USC 306; 33 USC 307(b); 33 USC 1311(d); 33 USC 1314(b); 33 USC 1314(g); 33 USC 1314(m); 33 USC 1316; 33 USC 1317

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Other, Statutory, December 2008, Final Plan.

**Abstract:** EPA publishes a final Effluent Guidelines Plan every other year after taking comment on a preliminary plan, as required by Section 304(m) of the Clean Water Act. This Federal Register notice presents EPA's preliminary Effluent Guidelines Program Plan for 2008. This notice also discusses EPA's annual review of effluent limitations guidelines and standards undertaken pursuant to sections 304(b), 304(g), and 307(b). EPA's 2008 Plan will identify guidelines that may be revised or new guidelines that may be developed, and will provide a schedule for such rulemaking.

**Timetable:**

| Action        | Date     | FR Cite |
|---------------|----------|---------|
| Proposed Plan | 02/00/08 |         |
| Final Plan    | 12/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5064

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**RIN:** 2040-AE89

## Environmental Protection Agency (EPA)

## Completed Actions

## Clean Water Act (CWA)

**3360. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 11/24/04 | 69 FR 68444 |
| NODA         | 11/25/05 | 70 FR 71057 |
| Final Action | 06/16/06 | 71 FR 35005 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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**RIN:** 2040-AD70

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 01/06/06 | 71 FR 894   |
| Final Action | 06/12/06 | 71 FR 33628 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2040-AE81

**3361. AMENDMENTS TO NPDES REGULATIONS FOR STORM WATER DISCHARGES FROM OIL/GAS EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS, OR TRANSMISSION FACILITIES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 122.26

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Safe Drinking Water Act (SDWA)

**3362. DRINKING WATER CONTAMINANT CANDIDATE LIST 3**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300g-1(b)

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, February 6, 2008, The 1996 SDWA Amendments require EPA to publish a list of candidate contaminants every 5 years. Not a rulemaking.

**Abstract:** The Safe Drinking Water Act (SDWA) as amended in 1996 requires EPA to publish a list every 5 years of contaminants that are known or anticipated to occur in public water systems, and which may require regulation under the SDWA. The purpose of this action is to prepare and publish the third Contaminant Candidate List (CCL). In preparing the third list, EPA will evaluate the classification approach recommended by the National Academy of Sciences' National Research Council (NRC) and, as applicable, use the NRC approach to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for future CCLs. If we identify additional contaminants early in the evaluation process, we may consider those contaminants in the regulatory determinations for 2007.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 09/00/07 |         |
| Final Action | 08/00/09 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4745;

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**RIN:** 2040-AD99

**3363. DRINKING WATER: REGULATORY DETERMINATIONS REGARDING CONTAMINANTS ON THE SECOND DRINKING WATER CONTAMINANT CANDIDATE LIST**

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

**Legal Authority:** 42 USC 300g-1(b)

**CFR Citation:** None

**Legal Deadline:** Final, Statutory, August 6, 2006, SDWA requires regulatory determinations every 5 years. Last round was made in August 2003.

**Abstract:** The 1996 amendments to the Safe Drinking Water Act (SDWA) require EPA to publish a list of non-regulated contaminants every 5 years, which may warrant regulation due to their health effects and their potential for occurrence in public water systems (PWSs). The first Contaminant Candidate List (CCL), was published in the Federal Register on March 2, 1998 (63 FR 10247). The second CCL was published on February 22, 2005 (70 FR 9017). In addition to publishing the drinking water CCL, the SDWA also requires the Agency to select five or more contaminants from the second CCL and determine whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). In order to make a

## EPA—Safe Drinking Water Act (SDWA)

## Proposed Rule Stage

determination of whether to develop an NPDWR for a contaminant, the SDWA requires three statutory tests be met: 1) The contaminant may have an adverse effect on the health of persons; 2) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and 3) in the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems. Using these three statutory tests to make regulatory decisions, there are three possible

outcomes: 1) Regulate the contaminant with an NPDWR; 2) develop guidance (e.g., Health or Consumer Advisory); or 3) determine no action is necessary.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Preliminary Notice | 12/00/06 |         |
| Final Notice       | 12/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4821;**URL For More Information:**

[www.epa.gov/safewater/ccl/index.html](http://www.epa.gov/safewater/ccl/index.html)

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**RIN:** 2040-AE60

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Safe Drinking Water Act (SDWA)

**3364. UNREGULATED CONTAMINANT MONITORING REGULATION FOR PUBLIC WATER SYSTEMS REVISIONS****Priority:** Other Significant**Legal Authority:** 42 USC 300f et seq**CFR Citation:** 40 CFR 141.40**Legal Deadline:** Final, Statutory, August 6, 2004, 5 years after UCMR 1.

**Abstract:** The 1996 amendments to the Safe Drinking Water Act require the Agency to publish, every 5 years, a revised listing of the contaminants to be monitored under the UCMR. The purpose of this action is to meet that requirement by revising the National Primary Drinking Water Regulations for the UCMR by making minor modifications to the current UCMR program to improve its implementation, to revise the lists of analyses to permit a second round of monitoring, and to approve the analytical methods needed to perform this monitoring.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/22/05 | 70 FR 49093 |
| Final Action | 12/00/06 |             |

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

**Additional Information:** SAN No. 4770; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2005/August/Day->

22/w16385.htm; EPA Docket information: EPA-HQ-OW-2004-0001

**URL For More Information:**

[www.epa.gov/ogwdw/ucmr/](http://www.epa.gov/ogwdw/ucmr/)

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**RIN:** 2040-AD93**3365. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR LEAD AND COPPER: SHORT-TERM REGULATORY REVISIONS AND CLARIFICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** SDWA: 42 USC sec 300f et seq**CFR Citation:** 40 CFR 141, 40 CFR 142**Legal Deadline:** None

**Abstract:** This action (proposed in the Federal Register on July 18, 2006 (71 FR 40827)), is minor as it makes minor additions and clarifications to an existing regulation. EPA undertook several activities in 2004 to determine whether a national problem exists related to elevated drinking water lead levels comparable to that in the District of Columbia. This evaluation, while it did not reveal a national problem

comparable to D.C., highlighted areas for improvement and clarification to the existing lead and copper rule and associated guidance materials. Several short-term actions will be initiated in 2005 and completed during the 2005-2006 time frame. EPA also identified several regulatory changes that will be considered as part of identifying more comprehensive changes to the rule. These considerations are longer-term as they require additional data collection, research, analysis, and stakeholder involvement to support decisions. These longer-term regulatory changes will be examined by a separate workgroup under an additional regulatory action. This action addresses the regulatory revisions to be completed in the 2005-2006 time frame. Regulatory changes to be addressed include: clarifications about sample collection; clarifications to definitions for monitoring and compliance periods; modifications regarding public water system notification to their state of treatment changes prior to the change; revisions to language related to criteria for reduced monitoring; revisions to language regarding consideration of lead service line replacement for compliance purposes; revisions to language related to flushing guidance; and additional requirements for consumer notification of lead monitoring results.

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| NPRM   | 07/18/06 | 71 FR 40828 |

## EPA—Safe Drinking Water Act (SDWA)

Final Rule Stage

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 09/18/06 |         |
| Final Action            | 09/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

[www.epa.gov/safewater/lcmr/implementation.html](http://www.epa.gov/safewater/lcmr/implementation.html)

**Additional Information:** SAN No. 4981; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/July/Day-18/w6250.htm>;

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**URL For More Information:**

**RIN:** 2040-AE83

**Environmental Protection Agency (EPA)  
Safe Drinking Water Act (SDWA)**

Long-Term Actions

**3366. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON**

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

**Unfunded Mandates:** This action may affect State, local or tribal governments.

**Legal Authority:** 42 USC 300f, et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** Other, Statutory, February 6, 1999, Publish radon health risk reduction and cost analysis. NPRM, Statutory, August 6, 1999. Final, Statutory, November 2, 2000.

**Abstract:** In 1999, EPA proposed regulations for radon which provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| ANPRM                   | 09/30/86 | 51 FR 34836 |
| NPRM Original Notice 99 | 07/18/91 | 56 FR 33050 |
| NPRM                    | 02/26/99 | 64 FR 9560  |
| Final Action            | 11/02/99 | 64 FR 59246 |
|                         | 05/00/09 |             |

**Regulatory Flexibility Analysis Required:** Yes

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

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

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

**Additional Information:** SAN No. 2281; EPA publication information: NPRM - <http://www.epa.gov/egwdw/radon/proposal.html>; EPA Docket information: EPA-HQ-OW-2003-0041

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

**URL For More Information:** <http://www.epa.gov/ogwdw/radon.html>

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**RIN:** 2040-AA94

**3367. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will re-examine risk assessment and occurrence data on aldicarb and make

a determination of what further action is appropriate.

**Timetable:**

| Action       | Date             | FR Cite |
|--------------|------------------|---------|
| NPRM         | To Be Determined |         |
| Final Action | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** Undetermined

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3238;

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC13

**3368. NATIONAL SECONDARY DRINKING WATER REGULATIONS (NSDWR): METHYL TERTIARY BUTYL ETHER (MTBE) AND TECHNICAL CORRECTIONS TO THE NSDWR**

**Priority:** Other Significant

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 143 (Revision)

**Legal Deadline:** None

**Abstract:** Methyl Tertiary Butyl Ether (MTBE) is an automobile fuel additive, introduced in the late 1970s during lead phase-out as an octane enhancer. It has been used in increasing quantity in the 1990s to meet the requirement of the Federal Reformulated Gasoline (RFG) and Oxyfuels programs required by the Clean Air Act Amendments of

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

1990. However, MTBE has been detected in ground water and drinking water in a number of States due to leaking underground storage tanks and leaking pipelines. Although most of these detections are at levels well below health concern, MTBE's distinctive turpentine-like taste and odor can be detected at low levels. Presently, the Water program is collecting and analyzing research information on occurrence, health effects, method sensitivity, and treatment effectiveness.

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| NPRM         | To Be | Determined |
| Final Action | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4404;

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD54

### 3369. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND ADDITIONAL DISTRIBUTION SYSTEM REQUIREMENTS

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

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

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** EPA is revising the Total Coliform Rule (TCR), which was published in 1989. On July 18, 2003, EPA published a Federal Register (68 FR 42907) Notice of Intent to revise the TCR. EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR while improving

system efficiency. A Federal Advisory Committee recommended that EPA, as part of the TCR 6-year review process, "initiate a process for addressing cross-connection control and backflow prevention requirements and consider additional distribution system requirements related to significant health risks." The original TCR, promulgated in 1989, protects human health by requiring microbial monitoring in drinking water distribution systems. The TCR does not include distribution system corrective or protective requirements to reduce contamination from coliforms and other contaminants. Since then, EPA has gained a better understanding of distribution system impacts on human health and, therefore, intends to strengthen the TCR by adding distribution system requirements. The process to do so involves a performance evaluation, development of issue papers on both distribution systems and total coliform, stakeholders meetings, and proposed and final rules.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 07/00/08 |         |
| Final Action | 12/00/10 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4775;

**URL For More Information:**

[www.epa.gov/safewater/tcr/tcr.html](http://www.epa.gov/safewater/tcr/tcr.html)

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**RIN:** 2040-AD94

### 3370. UNDERGROUND INJECTION CONTROL: UPDATE OF STATE PROGRAMS

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

**Legal Authority:** 42 USC 300h-1, SDWA 1422; 42 USC 300h-4, SDWA 1425

**CFR Citation:** 40 CFR 147 (Revision)

**Legal Deadline:** None

**Abstract:** EPA provides a place in part 147 of its UIC regulations where all the State UIC programs are summarized. Included in this summarization are all the authorities and regulations used by the States to implement the UIC program, as well as all other documents that are relevant to the program. The primary reason for this is to provide one place where all the UIC programs nationwide are presented. A second reason is to allow EPA to incorporate by reference into the Code of Federal Regulations the State program authorities. Current citations to State regulations in 40 CFR part 147 are out of date for many States. This update is necessary to ensure that the CFR accurately reflects current approved State UIC programs and that elements of those programs are federally enforceable if necessary. EPA Regional Offices will be submitting State revision packages as they are completed. Part 147 will then be updated in several stages. This is the first stage. This effort should have no impact on the regulated community because we will merely be incorporating by reference elements of already effective State programs.

**Timetable:**

| Action            | Date  | FR Cite    |
|-------------------|-------|------------|
| Direct Final Rule | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4236;

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## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

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**RIN:** 2040-AD40

### 3371. DRINKING WATER REGULATIONS FOR AIRCRAFT PUBLIC WATER SYSTEM

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

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141

**Legal Deadline:** None

**Abstract:** The action is to tailor drinking water rule requirements to the unique characteristics of aircraft to ensure that the water passengers drink while on an airplane is safe. This action is necessary because aircraft public water systems are very different from traditional public water systems. Aircraft fly to multiple destinations throughout the course of any given day and may board water from different sources along the way. Depending on the quality of the water that is boarded from these multiple sources and the care used to board the water, contamination could be introduced. This increases the vulnerability of the aircraft's water system to contamination when compared to a typical public water system. In the United States, water loaded aboard passenger aircraft comes from public water systems. The water provided by public water systems that are regulated by State and Federal authorities is among the safest in the world; however, a significant percentage of passenger aircraft travel includes international destinations. These aircraft may board water from foreign sources which are not subject to EPA drinking water standards. Therefore, this action also will address the boarding of foreign water by U.S. aircraft.

#### Timetable:

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 12/00/07 |         |
| Final Action | 11/00/08 |         |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4966;

#### URL For More Information:

[www.epa.gov/safewater/airlinewater/index2.html](http://www.epa.gov/safewater/airlinewater/index2.html)

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**RIN:** 2040-AE84

### 3372. • SECOND 6-YEAR REVIEW OF EXISTING NATIONAL PRIMARY DRINKING WATER REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** Final, Statutory, August 6, 2008, Complete review for contaminants with NPDWRs promulgated prior to August 2002.

**Abstract:** The Safe Drinking Water Act (SDWA) requires EPA to review and revise, if appropriate, all National Primary Drinking Water Regulations (NPDWRs) no less frequently than once every 6 years. According to SDWA, any revisions of drinking water regulations must maintain, or increase, the level of public health protection provided; however, EPA may identify regulatory changes that will streamline or reduce existing requirements without lessening the level of public health protection. As part of this action, the Office of Water (OW) will implement the existing protocol for conducting each 6 year review (developed under the first 6 year review cycle) to review critical

elements for regulated chemical contaminants (e.g., health risks, occurrence, analytical methods, treatment technologies). No new requirements will be imposed by this action. The purpose of the review is to determine whether new data, technology, or other factors exist that justify revisions to existing NPDWRs. The outcome of the review will be a Federal Register notice making available the results of the Agency's review and recommendations for any regulations the Agency may consider revising.

Because this action does not change or add to existing requirements, OW will not be performing a formal economic analysis or consulting with small businesses, governments, or tribal officials. OW does not plan to generate new data as part of this action; the review will be based on recent compliance data from public water systems and existing data on health effects (such as completed IRIS and OPPTS health risk assessments) and analytical methods.

#### Timetable:

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Preliminary Notice | 04/00/08 |         |
| Final Notice       | 09/00/09 |         |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5066;

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**RIN:** 2040-AE90

**Environmental Protection Agency (EPA)**  
**Safe Drinking Water Act (SDWA)**
**Completed Actions**
**3373. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUND WATER RULE**

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

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 11/08/06 | 71 FR 65574 |

**Regulatory Flexibility Analysis Required:** Yes

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

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

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**RIN:** 2040-AA97

**Environmental Protection Agency (EPA)**  
**Shore Protection Act (SPA)**
**Long-Term Actions**
**3374. SHORE PROTECTION ACT, SECTION 4103(B) REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2601 "Shore Protection Act of 1988"; PL 100-688 "4103(b)"

**CFR Citation:** 40 CFR 237

**Legal Deadline:** None

**Abstract:** This rule will implement the Shore Protection Act (SPA) and is designed to prevent the deposit of municipal and commercial waste into U.S. coastal waters. This rule establishes minimum waste handling practices for vessels and waste handling facilities involved in the transport of municipal or commercial wastes in the coastal waters of the United States. The rule may require certain vessels and waste handling facilities to develop an operation and maintenance manual that identifies

procedures to prevent, report, and clean up deposits of waste into coastal waters. Local governments and businesses involved with the vessel transportation and shore side handling of these wastes would be affected by this rule. Currently no tribes are known to be involved in waste handling of this type; therefore none would be affected by this rule. With regard to small businesses, EPA has provided guidance on development of operation and maintenance manuals and encourages the use and documentation of existing industry practices that meet or exceed the EPA proposed minimum waste handling standards. All indications are that this regulation as proposed would have a minimal economic impact. This regulation will result in reduction of municipal and commercial wastes deposited in coastal waters.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/30/94 | 59 FR 44798 |
| Final Action | To Be    | Determined  |

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** Federal, Local

**Additional Information:** SAN No. 2820;

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**RIN:** 2040-AB85

[FR Doc. 06-7683 Filed 12-08-06; 8:45 am]

**BILLING CODE 6560-50-S**