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Protection Agency**

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

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Fall 2003 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual Regulatory Agenda.

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

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

TO BE PLACED ON THE AGENDA MAILING LIST: If you would like to subscribe, please send an e-mail with your name and address to: ncepimal@one.net, or call 800-490-9198. There is no charge for single copies of the Agenda.

FOR FURTHER INFORMATION: 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 the Agenda or questions about EPA's decision making process, please contact: Phil Schwartz (1806A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; phone: (202-564-6564; e-mail: schwartz.philip@epa.gov. We welcome your suggestions on how we can make the Agenda more useful to you and easier to use.

SUPPLEMENTARY INFORMATION

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I. Acknowledgment of Those Involved in the Rulemaking Process

A. What Are Our Goals in Developing Regulations and Policies and What Key Principles, Statutes, and Executive Orders Drive the Rulemaking and Policymaking Process?

Our primary objective is to protect human health and the environment. To achieve this objective and ensure that our decisions are cost-effective and fully protective, we conduct high quality scientific, economic, and policy analyses. We plan and initiate these analyses at early stages in the regulatory development process, so that Agency decision makers are well informed of the qualitative and quantitative benefits and costs as they select among alternative approaches. We also believe that it is important that we continue to apply new and improved methods to protect the environment, such as: building flexibility into regulations from the very beginning, creating strong partnerships with the regulated community, vigorously engaging in public outreach and involvement, and using effective nonregulatory approaches. Research, testing and adoption of new environmental protection methods is also a central tenet in environmental problem solving. The integration of all these elements via a well managed regulatory development process and a strong commitment to innovative solutions will ensure that we all benefit from significant environmental improvements that are fair, efficient, and protective. Overall our success is measured by our effectiveness in protecting human health and the environment.

For a more extensive discussion of our regulatory objectives and priorities please see our Statement of Priorities in part 2 of today's issue of the **Federal Register**.

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 our proposing and then issuing final regulations that are generally contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act.

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

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

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

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

We believe our actions will be more cost-effective and protective if our development process includes stakeholders working with us to identify the most practical and effective solutions to problems, and we stress this point most strongly in all of our training programs for rule and policy developers. Democracy gives real power to individual citizens, but with that power comes responsibility. Democracy is not a spectator sport. We urge you to become involved in EPA's rulemaking and policymaking process.

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C. What Actions Are Included in the Agenda?

EPA includes all of our regulations and certain major policy documents in the Agenda with the following exceptions. 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: Decision documents defining and establishing registration standards; decision documents and termination decisions for the Special Review Registration process; and data call-in requests made under section 3(c)(2)(B).
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations, including the tolerance reassessment process.
- Under the Resource Conservation and Recovery Act: Authorization of State solid waste management plans; hazardous waste delisting petitions.
- Under the Clean Water Act: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States.
- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

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

D. How Is the Agenda Organized?

We have organized the Agenda:

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

General, which includes cross-cutting actions, such as rules authorized by multiple statutes and general acquisition rules

- The Clean Air Act (CAA)
- The Atomic Energy Act (AEA)

- The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- The Federal Food, Drug, and Cosmetic Act (FFDCA)
- The Toxic Substances Control Act (TSCA)
- The Emergency Planning and Community Right-to-Know Act (EPCRA)
- Chemical Safety Information, Site Security and Fuels Regulatory Relief Act
- The Resource Conservation and Recovery Act (RCRA)
- The Oil Pollution Act (OPA)
- The Comprehensive Environmental Response, Compensation, and Liability Act Superfund (CERCLA)
- The Clean Water Act (CWA)
- The Safe Drinking Water Act (SDWA)
- The Shore Protection Act (SPA)

2. Second, by the current stage of development. The stages are:
 Prerulemaking - Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.

Proposed Rule - This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings(NPRMs)).

Final Rule - This section includes rules that will be issued as a final rule within a year.

Long-Term Action - This section includes rulemakings for which the next scheduled regulatory action is after October 2004.

Completed Action - This section contains actions that have been promulgated and published in the **Federal Register** since publication of the Spring 2003 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.

3. Third, by the Regulation Identifier Number assigned when an action is added to the Agenda. (In future Agendas we will organize entries by the section number of the statute that authorizes the rule rather than by the RIN.)

E. What Information Is in Agenda Entries?

Agenda entries include the following information, where applicable:

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

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

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

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

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

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

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

Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (e.g.,

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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 not a rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the Agency's regulatory mandate but that the Agency places in the Agenda to inform the public of the activity.

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

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

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

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

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

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

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be

preparing a regulatory flexibility analysis under section 603 or 604 of the Regulatory Flexibility Act (RFA). Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

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

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

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

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

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

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

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

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

RIN: The Regulation 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's Rulemakings

1. **Public Dockets:** When EPA announces the initiation of a rulemaking, typically through the publication of an advance notice of proposed rulemaking or a notice of proposed rulemaking in the Federal Register, the Agency may establish an official docket to accumulate materials throughout the development process for that rulemaking. The official docket serves as the repository for the collection of documents or information related to a particular agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for Regulatory Flexibility Act § 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. In 2002, EPA released its online electronic docket and comment system, EDOCKET at <http://www.epa.gov/edocket>.

2. **EPA Websites:** Some of the actions listed in the Agenda include a URL that provides additional information.

3. **Regulatory Agenda Databases and Search Engines:** If you have access to the Internet you can use databases and their accompanying search engines developed by the EPA and the Regulatory Information Service Center (RISC) at the General Services Administration to help you locate actions that are of interest to you. The EPA Regulatory Agenda search engine is located at www.epa.gov/regAgenda. We thoroughly update this database each spring and fall, and we partially update it several other times during the year. RISC's searchable databases are at <http://ciir.cs.umass.edu/ua/>.

4. **Appendices to the Agenda:** There are six appendices that provide:

- An index based on subject matter
- A list of actions that may have a significant impact on a substantial number of small businesses, small governments, or small non-profit organizations
- A list of actions that may have some impact on some small businesses, small governments, or small non-profit organizations but which may either have less than a significant

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impact or affect fewer than a substantial number of them

- A list of the existing rules that we are reviewing under section 610 of the Regulatory Flexibility Act
 - A list of actions that may affect State, local, or Tribal governments
 - A list of actions that may have federalism implications as defined in Executive Order 13132
5. *The Regulatory Agenda Collection in the EPA History Office* has a complete collection of Regulatory Agendas and related materials. A list of the contents including exact citations for all Agendas is at:
<http://www.epa.gov/history/collection/aid41.htm>
6. *Listservers*: If you want to get automatic e-mails about areas of particular interest, we maintain 12 collections including:
1. Air
 2. Water
 3. Wastes and emergency response
 4. Pesticides
 5. Toxic substances
 6. Right-to-know and toxic release inventory
 7. Environmental impacts
 8. Endangered species
 9. Meetings
 10. The Science Advisory Board
 11. Daily full-text notices with page numbers, and
 12. General information.

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

7. *Access to Interpretive Documents*: To provide a central point of access to non-binding general policy, guidance, and interpretive documents that describe how the Agency intends to exercise its discretionary authority and explains what a statute or regulation means, EPA developed a web site at <http://www.epa.gov/guidance/>. The site provides access to a collection of non-binding guidance materials issued by EPA Headquarters offices since January 1, 1999, and was developed to assist State and Tribal officials, representatives of companies and organizations that must comply with environmental regulations, and individuals that are concerned with how environmental regulations and statutes are being implemented or enforced. The goal is that, through a central interface to a collection of guidance materials, it will be easier for

an individual or institution to understand what guidance is available when complying with environmental regulations.

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 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 Appendix B at the end of the Agenda, "Index to Environmental Protection Agency Entries for which a Regulatory Flexibility Analysis is Required" for a list of these rules. See Appendix C for a list of the rules that may affect small entities, but which we do not expect will have a significant economic impact on a substantial number of them.

The Regulatory Flexibility Act (RFA) section 610 requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities (SEISNOSE). For EPA rules issued in 1992-1997, EPA went beyond the requirements of the RFA by preparing regulatory flexibility analyses for rules that would have any adverse impact on any number of small entities, regardless of the size of impact or number of small entities. In effect, many rules that EPA would otherwise have certified as not having a SEISNOSE were not formally certified during this time period. After the RFA was amended in 1996 by the Small Business Regulatory Enforcement Fairness Act (SBREFEA), EPA returned to its earlier practice of formally certifying rules with no SEISNOSE under the RFA while continuing to offer outreach and accommodation to regulated small entities for those rules. EPA has

identified eight rules issued before SBREFEA was passed that were not formally certified yet do not and will not have a SEISNOSE. EPA has determined that these eight rules are not subject to section 610 review, and, even if a section 610 review were conducted, revision of the rules would not be warranted. A list of these eight rules is available at epa.gov/sbrefa. In this Agenda we report on three ongoing reviews and three completed reviews. See appendix 1 for a list of these actions.

H. How Can You Use Our Electronic Dockets to Participate in Rulemaking and Policymaking?

The official public docket is the collection of materials that is available for public viewing at the docket facility. An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. EPA Dockets (EDOCKET) is an online public docket and comment system designed to expand access to documents in EPA's major dockets. Dockets contain **Federal Register** notices, support documents, and public comments for regulations the Agency publishes and various non-regulatory activities. You may use EPA Dockets at <http://www.epa.gov/edocket> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

I. Acknowledgment of Those Involved in the Rulemaking Process

Finally, I would like to thank the members of the public who have taken the time to get involved in the rulemaking process. Experience has taught us that we must listen to and involve our stakeholders if we hope to fully understand the issues and write the most effective rules. Over the years you, the public, have submitted an enormous number of comments on our rulemakings. We have heard all of them and adopted many. Protecting human health and the environment is one of our Nation's most important quests. We thank you for joining us in this endeavor.

Dated: October 7, 2003.

Jessica L. Furey,

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

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GENERAL—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3156	SAN No. 4463 Persistent, Bioaccumulative, and Toxic (PBT) Pollutants Strategy	2070—AD45

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3157	SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements	2020—AA39
3158	SAN No. 3580 Incorporation of Class Deviations Into EPAAR	2030—AA37
3159	SAN No. 4292 Proposed Revision to EPA's Implementing NEPA Regulations	2020—AA42
3160	Report to Congress on Enforcement Data Concerning Small Entities	2020—AA45
3161	SAN No. 4693 Privacy Act Regulations (Revised)	2025—AA13
3162	SAN No. 4191 Revision to EPAAR 1552.211—73, Level of Effort	2030—AA64
3163	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest	2030—AA67
3164	SAN No. 4742 Continuation of Implementing the Empowerment Initiative	2030—AA81
3165	Miscellaneous Revisions to EPAAR Clauses	2030—AA84
3166	On—Site and Off—Site Background Checks Performed by EPA and Contractors	2030—AA85
3167	Contract Bundling Requirements	2030—AA86
3168	SAN No. 4761 Waste Isolation Pilot Plant (WIPP) FY 2002 Report to Congress	2060—AK79
3169	Project XL Site—Specific Rulemaking for the NASA White Sands Test Facility in Las Cruces, New Mexico (Phases III to VI)	2090—AA35

GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3170	SAN No. 4747 Implementation of Authority To Appoint Research Scientists Under 42 USC	2030—AA83
3171	SAN No. 4270 Cross—Media Electronic Reporting (ER) and Recordkeeping Rule (CROMERRR)	2025—AA07
3172	SAN No. 4733 Background Investigations for Contractors Performing Services Onsite	2030—AA80
3173	SAN No. 4473 Regulatory Incentives for the National Environmental Performance Track Program	2090—AA13
3174	SAN No. 4536 Project XL Site—Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico (Phases I and II)	2090—AA27

GENERAL—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
3175	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	2020—AA44
3176	SAN No. 3240 Public Information and Confidentiality Regulations	2025—AA02
3177	SAN No. 3671 Guidelines for Carcinogen Risk Assessment	2080—AA06

GENERAL—Completed Actions

Sequence Number	Title	Regulation Identification Number
3178	SAN No. 3817 Implementation of Changes to Governmentwide Debarment and Suspension Common Rule	2030—AA48
3179	SAN No. 4021 Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	2020—AA36
3180	SAN No. 4572 Fellowship Grant Regulation Revision	2030—AA77

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GENERAL—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
3181	SAN No. 4530 EPA Agencywide Public Involvement Policy	2090—AA23

CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3182	SAN No. 4313 Petitions to Delist Hazardous Air Pollutants: MEK	2060—AI72
3183	SAN No. 4785 NESHAP: Perchloroethylene Dry Cleaning Facilities (Section 610 Review)	2060—AK64
3184	SAN No. 3556 Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608	2060—AF36
3185	SAN No. 4759 Revision to Policy on Control of Volatile Organic Compounds (VOC)	2060—AK75

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3186	SAN No. 4415 Petitions to Delist Source Categories from the Source Category List, Developed Pursuant to Section 112(c) of the Clean Air Act	2060—AJ23
3187	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives ..	2060—AJ61
3188	SAN No. 3649 Amendments to Method 24 (Water—Based Coatings)	2060—AF72
3189	SAN No. 4070 General Conformity Regulations; Revisions	2060—AH93
3190	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins—Amendments	2060—AH47
3191	SAN No. 3975 Review of New Sources and Modifications in Indian Country	2060—AH37
3192	SAN No. 4752 Implementation Rule for PM—2.5 NAAQS (Reg Plan Seq No. 103)	2060—AK74
3193	SAN No. 4119 Performance Specification 16 — Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources	2060—AH84
3194	SAN No. 4478 Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills: Amendment	2060—AJ41
3195	SAN No. 4161 Update of Continuous Instrumental Test Methods	2060—AK61
3196	SAN No. 4310 NESHAP: Printing and Publishing Industry; Amendments	2060—AI66
3197	SAN No. 4571 Electric Utility Steam Generating Unit MACT Regulation (Reg Plan Seq No. 102)	2060—AJ65
3198	SAN No. 4585 Portland Cement Manufacturing Industry NESHAP: Amendment To Implement Court Remand	2060—AJ78
3199	SAN No. 4620 National Emission Standards for Coke Oven Batteries — Residual Risk Standards	2060—AJ96
3200	SAN No. 4654 NESHAP: Ethylene Oxide for Sterilization Facilities — Residual Risk Standards	2060—AK09
3201	SAN No. 4655 NESHAP: Gasoline Distribution (Stage I) Residual Risk Standards	2060—AK10
3202	SAN No. 4672 NESHAP: Solvent Extraction for Vegetable Oil: Amendments	2060—AK32
3203	SAN No. 4751 Petition to Delist a Hazardous Air Pollutant (HAP) Source Category from Section 112 of the Clean Air Act — Gas Turbines	2060—AK73
3204	SAN No. 4309 National VOC Emission Standards for Consumer Products; Proposed Amendments	2060—AI62
3205	SAN No. 4748 Control of Hazardous Air Pollutants From Mobile Sources	2060—AK70
3206	SAN No. 4757 Emissions Durability Procedures for New Light—Duty Vehicles and Light—Duty Trucks	2060—AK76
3207	SAN No. 4393 Control of Methyl Tertiary Butyl Ether (MTBE)	2060—AJ00
3208	SAN No. 3412 Operating Permits: Revisions (Part 70)	2060—AF70
3209	SAN No. 4535 Protection of Stratospheric Ozone: Process for Exempting Critical and Emergency Uses of Methyl Bromide	2060—AJ63
3210	SAN No. 4697 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries	2060—AK45
3211	SAN No. 3673 Protection of Stratospheric Ozone: Reconsideration of Section 608 Sales Restriction	2060—AG20
3212	SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana, Sulfur Dioxide (SO ₂) Area	2008—AA00
3213	SAN No. 3262 Inspection/Maintenance Recall Requirements	2060—AE22
3214	SAN No. 4348 Inspection Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule	2060—AI97
3215	SAN No. 4421 Ambient Air Quality Monitoring Regulations: Revisions	2060—AJ25
3216	SAN No. 4450 Revisions to Regional Haze Rule To Address Concerns Raised by DC Circuit Regarding Best Available Retrofit Technology (BART)	2060—AJ31

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

Sequence Number	Title	Regulation Identification Number
3217	SAN No. 4570 Control of Air Pollution From Motor Vehicles and Engines: Alternative Low—Sulfur Highway Diesel Fuel Transition Program for Alaska	2060—AJ72
3218	SAN No. 4547 Modification of Authority to Grant Alternative Method Approvals	2060—AJ83
3219	SAN No. 4631 Adoption of the Amended International NOx Standard for Aircraft Engines	2060—AK01
3220	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
3221	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
3222	Transportation Conformity Rule Amendments for New 8—Hour Ozone and PM2.5 National Ambient Air Quality Standards	2060—AL73
3223	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Allowables Plantwide Applicability Limit (PAL), Aggregation, and Debottlenecking (Reg Plan Seq No. 104)	2060—AL75
3224	Rule To Reduce Interstate Transport of Fine Particulate Matter and Other Pollutants (Interstate Transport Rule)	2060—AL76
3225	Section 126 rule: Lifting the 8—hour Stay	2060—AL79
3226	Amendment to Marine Diesel Rule	2060—AL81
3227	Section 126 Rule: Withdrawal of Findings for Sources in Michigan	2060—AL83
3228	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
3229	Deferral of Effective Date of Nonattainment Designations for 8—hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas	2060—AL85
3230	Amendments to the Phase 2 Requirements for Spark—Ignition Nonroad Engines Less Than 19 Kilowatts	2060—AL88
3231	Amendments to Leather Finishing NESHAP	2060—AL89
3232	Protection of Stratospheric Ozone; Allowance System for Controlling HCFC Production, Import and Export; Correction	2060—AL90
3233	Amendments to the NESHAP for Cellulose Products Manufacturing	2060—AL91
3234	Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide	2060—AL94
3235	Protection of Stratospheric Ozone: Quantity Allocation of Methyl Bromide After the Phaseout for Critical Use Exemptions	2060—AL95
3236	Five—Year Review of MACT Standards for Large MWC	2060—AL97
3237	Alternative Work Practice for Leak Detection and Repair	2060—AL98

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

CLEAN AIR ACT (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3238	SAN No. 4315 Source—Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation	2009—AA00
3239	SAN No. 3569 Source—Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant	2009—AA01
3240	SAN No. 4755 Accidental Release Prevention Requirements: Risk Management Programs Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements	2050—AF09
3241	SAN No. 4768 Amendment to Subparts H and I for Emissions of Radionuclides Other Than Radon from DOE Facilities	2060—AK81
3242	SAN No. 4532 Motor Vehicle and Engine Compliance Program Fees for: Light—Duty Vehicles and Trucks; Heavy—Duty Vehicles and Engines; Nonroad Engines; and Motorcycles	2060—AJ62
3243	SAN No. 3470 Revision to the Guideline on Air Quality Models (Appendix W to 40 CFR Part 51): Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions	2060—AK60
3244	SAN No. 3657 NESHAP: Combustion Turbine	2060—AG67
3245	SAN No. 3343 NESHAP: Iron and Steel Foundries	2060—AE43
3246	SAN No. 3452 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing	2060—AE82
3247	SAN No. 3656 NESHAP: Reciprocating Internal Combustion Engine (Reg Plan Seq No. 116)	2060—AG63
3248	SAN No. 3837 NESHAP: Industrial, Commercial, and Institutional Boilers and Process Heaters (Reg Plan Seq No. 117)	2060—AG69
3249	SAN No. 3452 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing ...	2060—AK59
3250	SAN No. 4683 Air Quality: Revision to Definition of Volatile Organic Compounds — Exclusion of 4 Compounds	2060—AK37

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

Sequence Number	Title	Regulation Identification Number
3251	SAN No. 2915 Methods for Measurement of Visible Emissions—Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51	2060—AF83
3252	SAN No. 3900 Addition of Method 207 to Appendix M of 40 CFR Part 51 Method for Measuring Isocyanates in Stationary Source Emissions	2060—AG88
3253	SAN No. 4433 Interstate Ozone Transport: Response to Court Decisions on the NO _x SIP Call, NO _x SIP Call Technical Amendments, and Section 126 Rules	2060—AJ16
3254	SAN No. 4625 Implementation Rule for 8—hour Ozone NAAQS (Reg Plan Seq No. 119)	2060—AJ99
3255	SAN No. 3380 NSPS: SO ₂ MI — Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60	2060—AE94
3256	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements (40 CFR Part 60, Appendix F, Procedure 3)	2060—AH23
3257	SAN No. 4508 Standards of Performance for New Stationary Sources: Volatile Organic Liquid Storage Vessels; Amendments	2060—AJ53
3258	SAN No. 4555 Electric Arc Furnace NSPS Amendment	2060—AJ68
3259	SAN No. 4605 Proposed Amendments to Performance Standards and Monitoring Requirements for Particulate Matter at Stationary Sources	2060—AJ88
3260	SAN No. 4681 Revision of Combustion Turbines NSPS —Part 60, Subpart GG	2060—AK35
3261	SAN No. 3449 NESHAP: Mercury Cell Chlor—Alkali Plants	2060—AE85
3262	SAN No. 3820 NESHAP: Plywood and Composite Wood Products (Reg Plan Seq No. 115)	2060—AG52
3263	SAN No. 3825 NESHAP: Miscellaneous Metal Parts and Products (Surface Coating)	2060—AG56
3264	SAN No. 3826 Plastic Parts and Products (Surface Coating) NESHAP	2060—AG57
3265	SAN No. 3651 NESHAP: Lime Manufacturing	2060—AG72
3266	SAN No. 3906 NESHAP: Surface Coating of Metal Cans	2060—AG96
3267	SAN No. 3907 NESHAP: Surface Coating of Automobiles and Light—Duty Trucks (Reg Plan Seq No. 118)	2060—AG99
3268	SAN No. 3924 NESHAP: Primary Magnesium Refining	2060—AH03
3269	SAN No. 3968 NESHAP: Site Remediation	2060—AH12
3270	SAN No. 3971 NESHAP: Organic Liquids Distribution (Non—Gasoline)	2060—AH41
3271	SAN No. 4115 NESHAP: Chromium Electroplating Amendment	2060—AH69
3272	SAN No. 4107 NESHAP: Asphalt/Coal Tar Application on Metal Pipes	2060—AH78
3273	SAN No. 4380 NESHAP: Taconite Iron Ore Processing Industry	2060—AJ02
3274	SAN No. 4426 Clarification to Existing Part 63 NESHAP Delegations' Provisions	2060—AJ26
3275	SAN No. 4479 NESHAP: Gasoline Distribution Facilities — Amendment	2060—AJ42
3276	SAN No. 4591 Benzene Waste Operations NESHAP; Amendments	2060—AJ87
3277	SAN No. 4685 NESHAP: Chlorine Production	2060—AK38
3278	SAN No. 4712 NESHAP: Hazardous Organic NESHAP (HON) Amendments	2060—AK49
3279	SAN No. 4713 NESHAP for Primary Aluminum Reduction Plants; Amendments	2060—AK50
3280	SAN No. 4714 NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units; Amendments	2060—AK51
3281	SAN No. 4719 NESHAP for Source Categories: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	2060—AK54
3282	SAN No. 4763 NESHAP: Ethylene Processes; Amendments	2060—AK80
3283	SAN No. 4464 Rulemaking on Section 126 Petitions from New York and Connecticut Regarding Sources in Michigan; Revision of Definition of Applicable Requirement for Title V Operating Permit Programs	2060—AJ36
3284	SAN No. 4689 Section 126 Rule Withdrawal Provision	2060—AK41
3285	SAN No. 4441 Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units Constructed On or Before November 30, 1999	2060—AJ28
3286	SAN No. 4340 Transportation Conformity Amendments: Response to March 2, 1999, Court Decision	2060—AI56
3287	SAN No. 4030 Expanded Definitions for Alternative—Fueled Vehicles and Engines Meeting Low—Emission Vehicle Exhaust Emission Standards	2060—AH52
3288	SAN No. 4604 Modification of the Anti—Dumping Baseline Date Cut—Off Limit for Data Used in Development of an Individual Baseline	2060—AJ82
3289	SAN No. 4626 Control of Emissions from Highway Motorcycles	2060—AJ90
3290	SAN No. 4675 Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel (Reg Plan Seq No. 120)	2060—AK27
3291	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations	2060—AI03
3292	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone—Depleting Substances: N—Propyl Bromide	2060—AK26
3293	SAN No. 4756 Protection of Stratospheric Ozone: Ban on Trade of Methyl Bromide to Nonparties to the Montreal Protocol	2060—AK67

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

Sequence Number	Title	Regulation Identification Number
3294	SAN No. 3560 Protection of Stratospheric Ozone: Refrigerant Recycling; Substitute Refrigerants	2060—AF37
3295	SAN No. 4487 Federal Implementation Plans for Indian Reservations in Idaho, Oregon, and Washington	2012—AA01
3296	SAN No. 4254 Revision to the Definition of Volatile Organic Compound (VOC) to Exclude Tertiary Butyl Acetate ...	2060—AI45
3297	SAN No. 4391 Rescinding Finding that Preexisting PM10 Standards No Longer Applicable in Northern Ada County/Boise, Idaho	2060—AJ05
3298	SAN No. 4548 Compilation of Source—Specific Alternative Methods Being Approved for Source—Category Wide Application	2060—AJ84
3299	SAN No. 4621 Control of Hazardous Air Pollutants From Mobile Sources: Default Baseline Revision and Minor Corrections	2060—AJ97
3300	SAN No. 4634 Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline to California Phase 3 Gasoline	2060—AK04
3301	SAN No. 4699 Revisions to Clarify the Scope of the Sufficiency Monitoring Requirements for Federal and State Operating Permits Programs	2060—AK29
3302	SAN No. 4686 Waste Isolation Pilot Plant (WIPP) FY 2001 Report to Congress	2060—AK39
3303	SAN No. 4722 California Gasoline Technical Correction	2060—AK56
3304	SAN No. 4557 Amendments to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program	2060—AK62
3305	SAN No. 4569 Control of Air Pollution from New Motor Vehicles; Addendum to Second Amendment to the Tier 2/Gasoline Sulfur Regulations	2060—AK63
3306	SAN No. 4706 Anti—Dumping Baseline Recalculation for Downstream Oxygenate Addition	2060—AK69
3307	SAN No. 4758 Regulation of Fuels and Fuel Additives: Modifications to Standards and Requirements for Reformulated and Conventional Gasoline Including Butane Blenders and Attest Engagements	2060—AK77
3308	Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended For Use With Substitute Refrigerants	2060—AL77
3309	Revisions to Federal Operating Permits Program Fee Payment Deadlines for California Agricultural Sources	2060—AL82
3310	Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2004	2060—AM01
3311	Air Quality Designations and Classifications for the 8—Hour Ozone NAAQS	2060—AM03
3312	Protection of Stratospheric Ozone; Refrigerant Recycling; Amended Leak Repair Requirements for Refrigeration and Rir—Conditioning Equipment	2060—AM05
3313	SAN No. 4278 Project XL Site—Specific Rulemaking for Andersen Corporation's Facility in Bayport, Minnesota	2090—AA21
3314	National Emission Standards for Hazardous Air Pollutants: Site—Specific Regulation for Packaging Corporation of America in Tomahawk, Wisconsin	2090—AA33

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

CLEAN AIR ACT (CAA)—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
3315	SAN No. 4695 NESHAP: Off—Site Waste and Recovery Operations Residual Risk Standard	2060—AK68
3316	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
3317	SAN No. 4619 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(3); Revisions to the List of Substances	2050—AE96
3318	SAN No. 4266 Review National Ambient Air Quality Standards for Carbon Monoxide	2060—AI43
3319	SAN No. 4255 Review of the National Ambient Air Quality Standards for Particulate Matter	2060—AI44
3320	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand)	2060—AA61
3321	SAN No. 2841 NESHAP: Chromium Electroplating Amendment	2060—AH08
3322	SAN No. 3751 NSPS and Emission Guidelines for Other Solid Waste Incinerators	2060—AG31
3323	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non—Federal Class I Areas	2060—AH01
3324	SAN No. 3525 Protection of Stratospheric Ozone: Update of the Substitutes List Under SNAP Program	2060—AG12
3325	SAN No. 4096 Phase I (FIP) To Reduce the Regional Transport of Ozone in the Eastern United States	2060—AH87
3326	SAN No. 4653 NESHAP: Aerospace Manufacturing and Rework Facilities Residual Risk Standards	2060—AK08
3327	SAN No. 4657 NESHAP: Group II Polymers and Resins —Residual Risk Standards	2060—AK13
3328	SAN No. 4660 NESHAP: Industrial Process Cooling Towers Residual Risk Standards	2060—AK16
3329	SAN No. 4661 NESHAP: National Emission Standards for Marine Tank Vessel Loading Operations — Residual Risk Standard	2060—AK17

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

Sequence Number	Title	Regulation Identification Number
3330	SAN No. 4662 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards	2060—AK18
3331	SAN No. 4665 NESHAP: Secondary Lead Smelting Residual Risk Standards	2060—AK19
3332	SAN No. 4666 NESHAP: Shipbuilding and Ship Repair Surface Coating — Residual Risk Standards	2060—AK20
3333	SAN No. 4667 NESHAP: Wood Furniture Manufacturing Operations — Residual Risk Standards	2060—AK21
3334	SAN No. 4668 NESHAP: Halogenated Solvent Cleaning —Residual Risk Standards	2060—AK22
3335	SAN No. 4669 NESHAP: Magnetic Tape Manufacturing Operations Residual Risk Standard	2060—AK23
3336	SAN No. 4664 NESHAP: Printing and Publishing Industry — Residual Risk Standards	2060—AK24
3337	SAN No. 4663 NESHAP: Petroleum Refineries — Residual Risk Standards	2060—AK25
3338	SAN No. 4750 National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks — Residual Risk Standards	2060—AK72
3339	SAN No. 4782 Petition to Delist Hazardous Air Pollutant : 4,4'—Methylene Diphenyl Diisocyanate	2060—AK84
3340	SAN No. 4656 NESHAP: Group I Polymers and Resins — Residual Risk Standards	2060—AK12
3341	SAN No. 4659 NESHAP: Hazardous Organic NESHAP (HON) Residual Risk Standards	2060—AK14
3342	SAN No. 4658 NESHAP: Group IV Polymers and Resins — Residual Risk Standards	2060—AK15
3343	SAN No. 4383 Interstate Ozone Transport: Rulemaking on Section 126 Petitions from the District of Columbia, Delaware, Maryland, and New Jersey	2060—AI99
3344	SAN No. 3910 Streamlined Evaporative Test Procedures	2060—AH34
3345	SAN No. 4682 Revisions to the Appeal Procedures and the Federal NOx Budget Trading Program, Parts 78 and 97	2060—AK36
3346	SAN No. 3922 Revised Permit Revision Procedures for the Federal Operating Permits Program—Part 71	2060—AG92
3347	SAN No. 4700 Selection of Sequence of Mandatory Sanctions To Be Applied Pursuant to Section 502 of the Clean Air Act	2060—AK46
3348	SAN No. 3263 Performance Warranty and Inspection/Maintenance Test Procedures	2060—AE20
3349	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions	2060—AH31
3350	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems	2060—AJ86
3351	SAN No. 4691 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Clean Units	2060—AK42
3352	SAN No. 4783 Voluntary Superior Monitoring	2060—AK85
3353	Consideration of Industry Petition to Remove the Two—Piece Can Subcategory From the Clean Air Act Hazardous Air Pollutant Source Category List	2060—AL86
3354	Consideration of Industry Petition to Remove Ethylene Glycol Monobutyl Ether from the Clean Air Act List of Hazardous Air Pollutants	2060—AL87
3355	Control of Emissions of Air Pollution From New Motor Vehicles: On—Board Diagnostic Requirments for Heavy—Duty Engines and Vehicles Above 14,000 Pounds and In—Use, Not—To—Exceed Emission Standard Testi	2060—AL92
3356	NESHAP: Ferroalloys Production: Ferromanganese and Silicomanganese Residual Risk Standards	2060—AL93
3357	Mineral Wool Production Residual Risk Standard	2060—AL96
3358	NESHAP for Flexible Polyurethane Foam Production: Residual Risk Standards	2060—AL99
3359	NESHAP: Pharmaceuticals Production: Residual Risk Standards	2060—AM00
3360	Repeal of Vacated PM10 National Ambient Air Quality Standards and Related Requirements	2060—AM02
3361	Air Quality Designations for the PM—2.5 NAAQS	2060—AM04

CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3362	SAN No. 4466 Overview of Rulemakings for the Purpose of Reducing Interstate Ozone Transport	2060—AJ20
3363	SAN No. 3259 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration	2060—AL74
3364	SAN No. 4104 NESHAP: Hydrochloric Acid Production Industry	2060—AH75
3365	SAN No. 3470 Revision to the Guideline on Air Quality Models (Appendix W to 40 CFR Part 51): Adoption of a Preferred Long Range Transport Model and Other Revisions	2060—AF01
3366	SAN No. 3346 NESHAP: Integrated Iron and Steel	2060—AE48
3367	SAN No. 3326 NESHAP: Reinforced Plastic Composites Production	2060—AE79
3368	SAN No. 3746 NESHAP: Paint Stripping Operations	2060—AG26
3369	SAN No. 3902 NESHAP: Semiconductor Production	2060—AG93
3370	SAN No. 3479 Amendments to Parts 51, 52, 63, 70, and 71 Regarding the Provisions for Determining Potential To Emit	2060—AI01

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

Sequence Number	Title	Regulation Identification Number
3371	SAN No. 3824 NESHAP: Metal Furniture (Surface Coating)	2060—AG55
3372	SAN No. 3655 NESHAP: Asphalt Processing and Asphalt Roofing Manufacturing	2060—AG66
3373	SAN No. 3652 NESHAP: Refractory Products Manufacturing	2060—AG68
3374	SAN No. 3909 NESHAP: Printing, Coating and Dyeing of Fabrics and other Textiles	2060—AG98
3375	SAN No. 3904 NESHAP: Wood Building Products (Surface Coating)	2060—AH02
3376	SAN No. 4022 NESHAP: Coke Ovens: Pushing, Quenching, and Battery Stacks	2060—AH55
3377	SAN No. 4111 NESHAP: Fumed Silica Production	2060—AH72
3378	SAN No. 4162 NESHAP: Oil and Natural Gas Production	2060—AI13
3379	SAN No. 4343 NESHAP: Clay Ceramics Manufacturing	2060—AI68
3380	SAN No. 4144 NESHAP: Engine Test Cells/Standards	2060—AI74
3381	SAN No. 4449 NESHAP: Flexible Polyurethane Foam Fabrication Operations	2060—AJ19
3382	SAN No. 4325 NESHAP: Brick and Structural Clay Products Manufacturing	2060—AJ91
3383	SAN No. 4715 NESHAP: Sources Categories: General Provisions; and Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections 112(g) and 112(j); Amendments	2060—AK52
3384	SAN No. 4723 NESHAP: Secondary Aluminum Industry Amendments	2060—AK57
3385	SAN No. 4773 NESHAP: Rubber Tire Manufacturing: Technical Correction	2060—AK82
3386	SAN No. 4749 Amendment to Project XL Site—Specific Rulemaking for Georgia—Pacific Corporation/s Facility in Big Island, Virginia	2060—AK71
3387	SAN No. 4676 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement	2060—AK28
3388	SAN No. 4495 Revisions to Regional Haze Rule To Incorporate Sulfur Dioxide Milestones and Backstop Emissions Trading Program for Nine Western States	2060—AJ50
3389	SAN No. 4671 Amendments to Compliance Certification Requirements for State and Federal Operating Permits Programs	2060—AK11
3390	SAN No. 4428 Protection of Stratospheric Ozone: Phaseout of Chlorobromomethane (Halon 1011) Production and Consumption	2060—AJ27
3391	SAN No. 3741 Service Information Regulation for Light—Duty Vehicles and Trucks	2060—AG13
3392	SAN No. 4247 Revisions to Air Pollution Emergency Episode Requirements (Subpart H, 40 CFR Part 51)	2060—AI47
3393	SAN No. 4583 Modification of Federal On—Board Diagnostic Regulations for 2004 Model Year Vehicles Below 14,000 Pounds	2060—AJ77
3394	SAN No. 4600 State and Federal Operating Permits Program: Removal of Amendments to Part 70 and Part 71 Compliance Certification Requirements	2060—AJ89
3395	SAN No. 4694 Extension of Alternative Compliance Periods under the Anti—Dumping Program	2060—AK43
3396	SAN No. 4721 Control of Air Pollution from New Motor Vehicles: Amendment to the Tier 2 Motor Vehicle Emission Standards	2060—AK55
3397	SAN No. 4786 Standards for Reformulated and Conventional Gasoline (Section 610 Review) (Completion of a Section 610 Review)	2060—AK65
3398	SAN No. 4787 Inspection/Maintenance Program Requirements (Completion of a Section 610 Review)	2060—AK66
3399	SAN No. 4760 Stay of Authority Under 40 CFR 50.9(b) Related to Applicability of 1—Hour Ozone Standard	2060—AK78
3400	SAN No. 4774 Reclassification as Nonroad Engines for Diesel Engines Used in the State of California Agricultural Pump Application	2060—AK83
3401	Revisions to the Regional Haze Rule To Correct Mobile Source Provisions in the Optional Program for Nine Western States and Eligible Indian Tribes Within That Geographic Area.	2060—AL80
3402	SAN No. 4471 Project XL Site—Specific Rulemaking for Georgia—Pacific Corporation Facility in Big Island, Virginia	2090—AA26
3403	SAN No. 4533 New Jersey Gold Track Project XL Rule	2090—AA28

ATOMIC ENERGY ACT (AEA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3404	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low—Activity Mixed Radioactive Waste	2060—AH63
3405	Approaches to an Integrated Framework for Management and Disposal of Low—Activity Radioactive Waste: Request for Comment	2060—AL78

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ATOMIC ENERGY ACT (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3406	SAN No. 4003 Technical Change to Dose Methodology for 40 CFR Part 190, Subpart B and 40 CFR 191, Subpart A	2060—AH90

ATOMIC ENERGY ACT (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3407	SAN No. 4403 Revision of the 40 CFR Part 194 Waste Isolation Pilot Plant Compliance Criteria	2060—AJ07

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

Sequence Number	Title	Regulation Identification Number
3408	SAN No. 4727 Endocrine Disruptor Screening Program; Priority Setting Criteria (Reg Plan Seq No. 101)	2070—AD59
3409	SAN No. 4789 Pesticide Worker Protection Rule (Section 610 Review) (Section 610 Review)	2070—AD66

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

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

Sequence Number	Title	Regulation Identification Number
3410	SAN No. 2687 Pesticides; Data Requirements for Conventional Chemicals	2070—AC12
3411	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials	2070—AD30
3412	SAN No. 4596 Pesticides; Data Requirements for Biochemical and Microbial Products	2070—AD51
3413	SAN No. 4728 Endocrine Disrupter Screening Program; Implementing the Screening and Testing Phase (Reg Plan Seq No. 108)	2070—AD61
3414	SAN No. 4610 Acceptability of Research Using Human Subjects (Reg Plan Seq No. 107)	2070—AD57
3415	SAN No. 4170 Pesticides; Procedures for the Registration Review Program	2070—AD29
3416	SAN No. 4216 Pesticides; Emergency Exemption Process Revisions (Reg Plan Seq No. 106)	2070—AD36

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

Sequence Number	Title	Regulation Identification Number
3417	SAN No. 4027 Pesticides; Tolerance Processing Fees	2070—AD23
3418	SAN No. 2659 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment	2070—AB95
3419	SAN No. 3731 WPS; Pesticide Worker Protection Standard (WPS); Glove Amendment	2070—AC93
3420	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products	2070—AD14

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

Sequence Number	Title	Regulation Identification Number
3421	SAN No. 4175 Pesticide Tolerance Reassessment Program	2070—AD24
3422	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for those Based on Viral Coat Proteins	2070—AD49
3423	SAN No. 4611 Plant—Incorporated Protectants (PIPs); Exemption for Those Derived through Genetic Engineering from Sexually Compatible Plants	2070—AD55
3424	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs that Act by Primarily Affecting the Plant	2070—AD56

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

Sequence Number	Title	Regulation Identification Number
3425	SAN No. 3222 Groundwater and Pesticide Management Plan Rule	2070—AC46
3426	SAN No. 4609 Pesticides; Exemption of Medical Devices Treated with Antimicrobial Pesticides	2070—AD54

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

Sequence Number	Title	Regulation Identification Number
3427	SAN No. 4767 Endangered Species and Pesticide Regulation	2070—AD62
3428	SAN No. 3432 Pesticide Management and Disposal	2020—AA33

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3429	SAN No. 4788 Lead; Requirements for Lead—Based Paint Activities in Target Housing and Child—Occupied Facilities (Section 610 Review) (Section 610 Review)	2070—AD65

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3430	SAN No. 3557 Lead—Based Paint Activities; Training and Certification for Renovation and Remodeling (Reg Plan Seq No. 105)	2070—AC83
3431	SAN No. 4597 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues	2070—AD52
3432	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers (40 CFR Part 723)	2070—AD58
3433	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances	2070—AB79
3434	SAN No. 4395 Test Rule; Developmental and Reproductive Toxicity	2070—AD44
3435	SAN No. 3301 TSCA Inventory Update Rule Revisions	2070—AD63
3436	SAN No. 1923 Follow—Up Rules on Existing Chemicals	2070—AA58
3437	SAN No. 4512 Significant New Use Rule; Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture	2070—AD48

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 Identification Number
3438	SAN No. 4172 Lead; Notification Requirements for Lead—Based Paint Abatement Activities and Training	2070—AD31
3439	SAN No. 1976 Significant New Use Rules; Follow—Up Rules on Non—5(e) New Chemical Substances	2070—AA59
3440	SAN No. 3495 Significant New Use Rule (SNUR); Chemical—Specific SNURs To Extend Provisions of Section 5(e) Orders	2070—AB27
3441	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs)	2070—AC76
3442	SAN No. 3990 Test Rule; Certain High Production Volume (HPV) Chemicals	2070—AD16
3443	SAN No. 4425 Test Rule; In Vitro Dermal Absorption Rate Testing of Certain Chemicals of Interest to the Occupational Safety and Health Administration	2070—AD42
3444	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules	2070—AB08
3445	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules	2070—AB11
3446	SAN No. 3118 TSCA Section 8(e) Policy; Notice of Clarification	2070—AC80

EPA

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

Sequence Number	Title	Regulation Identification Number
3447	SAN No. 3148 Asbestos Model Accreditation Plan Revisions	2070—AC51
3448	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban	2070—AC21
3449	SAN No. 4376 Lead—Based Paint Activities; Training, Accreditation, and Certification Rule and Model State Plan Rule — Bridges and Structures	2070—AC64
3450	SAN No. 3508 Lead; Management and Disposal of Lead—Based Paint Debris	2070—AC72
3451	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce	2070—AB20
3452	SAN No. 3493 Test Rules and Enforceable Consent Agreements Under the Toxic Substances Control Act (Generic Entry)	2070—AB94
3453	SAN No. 2865 Voluntary Children's Chemical Evaluation Program (VCCEP)	2070—AC27
3454	SAN No. 3882 Test Rule; Certain Metals	2070—AD10
3455	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives	2070—AD28
3456	SAN No. 3528 Significant New Use Rule; Refractory Ceramic Fibers (RCFs)	2070—AC37
3457	SAN No. 4176 Chemical Right—To—Know Initiative; High Production Volume (HPV) Chemicals	2070—AD25
3458	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)	2070—AD53
3459	SAN No. 4777 Lead; Amendments to Requirements for Disclosure of Known Lead—Based Paint or Lead—Based Paint Hazards in Target Housing	2070—AD64

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

Sequence Number	Title	Regulation Identification Number
3460	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation	2025—AA11
3461	SAN No. 4692 Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin—Like Compounds Category Under EPCRA, Section 313	2025—AA12

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

Sequence Number	Title	Regulation Identification Number
3462	SAN No. 4781 Trade Secrecy Claims for Emergency Planning and Community Right—to—Know Information; and Trade Secret Disclosures to Health Professionals; Amendment	2050—AF10
3463	SAN No. 2425 TRI; Responses to Petitions Received To Add or Delete or Modify Chemical Listings on the Toxic Release Inventory	2025—AA00
3464	SAN No. 4595 Toxic Chemical Release Reporting Using North American Industrial Classification System (NAICS)	2025—AA10

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

Sequence Number	Title	Regulation Identification Number
3465	SAN No. 3215 Emergency Planning and Community Right—to—Know Act: Amendments and Streamlining Rule ...	2050—AE17
3466	SAN No. 3994 Response to a Petition Requesting Deletion of Phosmet From the Extremely Hazardous Substances (EHS) List	2050—AE42
3467	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
3468	SAN No. 4015 TRI; Review of Chemicals on the Original TRI List	2025—AA03
3469	SAN No. 4265 TRI; Revisions to the Otherwise Use Activity Exemptions and the Coal Extraction Activities Exemption	2025—AA06
3470	SAN No. 2847 TRI; Pollution Prevention Act Information Requirements	2025—AA09

EPA

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

Sequence Number	Title	Regulation Identification Number
3471	SAN No. 3993 Emergency Planning and Community Right—to—Know Act; Extremely Hazardous Substances List; Modification of Threshold Planning Quantity for Isophorone Diisocyanate	2050—AE43
3472	SAN No. 3007 TRI; Chemical Expansion; Finalization of Deferred Chemicals	2025—AA01

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

Sequence Number	Title	Regulation Identification Number
3473	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials	2050—AE23
3474	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers (Reg Plan Seq No. 110)	2050—AE81
3475	SAN No. 4230 Revisions to Solid Waste Landfill Criteria—Leachate Recirculation on Alternative Liners	2050—AE67
3476	SAN No. 4651 Increase Metals Reclamation From F006 Waste Streams (Reg Plan Seq No. 111)	2050—AE97
3477	SAN No. 4778 Revisions of the Lead—Acid Battery Export Notification and Consent Requirements	2050—AF06
3478	SAN No. 4743 Land Disposal Restrictions: Determination of Equivalent Treatment for Macroencapsulation of Radioactive Lead Solids; Definition of Macroencapsulation	2050—AF12
3479	SAN No. 3333 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Reg Plan Seq No. 109)	2050—AE01
3480	Regulatory Amendments to the F019 Hazardous Waste Listing To Exclude the Wastewater Treatment Sludges From the Chemical Conversion Coating Process (Zinc Phosphating) of Automobile Bodies of Aluminum (Reg Plan Seq No. 113)	2050—AG15
3481	RCRA Incentives for Performance Track Members	2090—AA34

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

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

Sequence Number	Title	Regulation Identification Number
3482	SAN No. 4028 Standardized Permit for RCRA Hazardous Waste Management Facilities (Reg Plan Seq No. 123)	2050—AE44
3483	SAN No. 3856 Management of Cement Kiln Dust (CKD) (Reg Plan Seq No. 122)	2050—AE34
3484	SAN No. 3989 Methods Innovation Rule	2050—AE41
3485	SAN No. 4588 Research, Development, and Demonstration Permits for Municipal Solid Waste Landfill	2050—AE92
3486	SAN No. 3147 Hazardous Waste Manifest Regulation (Reg Plan Seq No. 121)	2050—AE21
3487	SAN No. 4084 Office of Solid Waste Burden Reduction Initiative (Reg Plan Seq No. 124)	2050—AE50
3488	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent—Contaminated Industrial Wipes	2050—AE51
3489	SAN No. 4092 Recycling of Cathode Ray Tubes (CRTs) and Mercury—Containing Equipment: Changes to Hazardous Waste Regulations (Reg Plan Seq No. 125)	2050—AE52
3490	SAN No. 4670 Revisions to the Definition of Solid Waste	2050—AE98
3491	SAN No. 4439 Project XL — Ortho—McNeil Pilot Project Allowing On—Site Treatment of Low—Level Mixed Wastes Without RCRA Permit	2090—AA14
3492	SAN No. 4534 Project XL Site—Specific Rulemaking for Anne Arundel County Millersville Landfill, Severn, Maryland	2090—AA25
3493	SAN No. 4565 Project XL Site—Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York	2090—AA29

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

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

Sequence Number	Title	Regulation Identification Number
3494	SAN No. 4469 Standards for the Management of Coal Combustion Wastes — Nonpower Producers and Minefilling	2050—AE83

EPA

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

Sequence Number	Title	Regulation Identification Number
3495	SAN No. 4411 Regulation of Hazardous Oil—Bearing Secondary Materials from Petroleum Refining Industry and Other Hazardous Secondary Materials Processed in a Gasification System To Produce Synthesis Gas—Final Rule	2050—AE78
3496	SAN No. 4735 RCRA Burden Reduction Initiative, Phase 2	2050—AF01
3497	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
3498	SAN No. 3189 Final Determination of the Applicability of the Toxicity Characteristic Rule to Petroleum Contaminated Media and Debris From Underground Storage Tanks	2050—AD69
3499	SAN No. 3066 Listing Determination and LDR for Wastes Generated During the Manufacture of Azo, Anthraquinone, and Triarylmethane Dyes and Pigments	2050—AD80
3500	SAN No. 4501 Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures.	2050—AE84
3501	SAN No. 4606 Revisions for Transboundary Shipments of Hazardous Waste for Recovery Within the Organization for Economic Cooperation and Development	2050—AE93
3502	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision)	2050—AC71

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3503	SAN No. 4525 Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead—Based Paint Waste	2050—AE86
3504	SAN No. 4575 Municipal Solid Waste Landfill Location Restrictions for Airport Safety	2050—AE91
3505	SAN No. 4088 Recycled Used Oil Containing PCBs: Amendments	2050—AF07
3506	SAN No. 4233 Land Disposal Restrictions; Treatment Standards for Spent Potliners From Primary Aluminum Reduction (K088) and Regulatory Classification of K088 Vitrification Units	2050—AE65
3507	SAN No. 4238 Amendment to Project XL Rulemaking and Final Project Agreement (FPA) for New England Universities Laboratories	2090—AA32

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

Sequence Number	Title	Regulation Identification Number
3508	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules	2050—AD75
3509	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities	2050—AF03
3510	SAN No. 4379 Standards and Practices for Conducting “All Appropriate Inquiry” (Reg Plan Seq No. 112)	2050—AF04
3511	SAN No. 4177 Revise 40 CFR Part 35 Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Actions	2050—AE62

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—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
3512	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
3513	SAN No. 4201 Criteria for the Designation of Hazardous Substances under CERCLA Section 102(a)	2050—AE63
3514	SAN No. 4736 Administrative Reporting Exemption for Certain Air Releases of NOx	2050—AF02

EPA

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Completed Actions

Sequence Number	Title	Regulation Identification Number
3515	SAN No. 4740 Clarification to Interim Standards and Practices for All Appropriate Inquiry Under CERCLA and Notice of Future Rulemaking Action	2050—AF05

CLEAN WATER ACT (CWA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3516	SAN No. 4344 Water Quality Standards for Indian Country Waters	2040—AD46
3517	SAN No. 4690 National Pollutant Discharge Elimination System Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions — Proposed Policy	2040—AD87
3518	SAN No. 4792 Sewage Sludge Round I (Section 610 Review)	2040—AD96

CLEAN WATER ACT (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3519	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	2050—AE87
3520	SAN No. 4766 Effluent Guidelines Program Plan for 2004/2005	2040—AD92
3521	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
3522	SAN No. 4623 Watershed Rule: Total Maximum Daily Load (TMDL) Program Revisions (Reg Plan Seq No. 114)	2040—AD82

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CLEAN WATER ACT (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3523	SAN No. 4280 Effluent Guidelines and Standards for the Construction and Development Industry (Reg Plan Seq No. 129)	2040—AD42
3524	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
3525	SAN No. 4406 Effluent Guidelines and Standards for the Concentrated Aquatic Animal Production Industry	2040—AD55
3526	SAN No. 4407 Effluent Guidelines and Standards for the Meat and Poultry Products Point Source Category (Revisions)	2040—AD56
3527	SAN No. 4776 Effluent Guidelines and Standards for the Centralized Waste Treatment Point Source Category (Revision)	2040—AD95
3528	SAN No. 4264 Water Quality Standards for Alabama—Phase II	2040—AD35
3529	SAN No. 4474 Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 2 (Reg Plan Seq No. 130)	2040—AD62
3530	SAN No. 3288 Comparison of Dredged Material to Reference Sediment	2040—AC14
3531	SAN No. 3488 Round 2 Standards for the Use or Disposal of Sewage Sludge	2040—AC25
3532	SAN No. 4624 Modification to Competitive Process Used by EPA for Wetland Program Development Grants	2040—AD83
3533	Sludge: Agency Response to the National Research Council Report on Biosolids Applied to Land and the Results of EPA's Review of Existing Sewage Sludge Regulations.	2040—AE59
3534	Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines	2040—AE61

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CLEAN WATER ACT (CWA)—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
3535	SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act	2040—AC75
3536	SAN No. 3714 Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring	2040—AC92
3537	SAN No. 3713 Test Procedures: Performance—Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures	2040—AC93
3538	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
3539	SAN No. 4378 Test Procedures: Revisions to Method Detection and Quantification for the Clean Water Act	2040—AD53
3540	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces — Phase II	2040—AD39
3541	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
3542	SAN No. 3663 Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution	2040—AC58
3543	SAN No. 3786 NPDES Streamlining Rule — Round III	2040—AC84
3544	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
3545	SAN No. 4493 Clean Water State Revolving Fund Regulation Revisions Re: Use as Matching Funds	2040—AD68
3546	SAN No. 4746 Regulations for Gray and Black Water Discharges from Cruise Ships Operating in Certain Alaskan Waters	2040—AD89

CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3547	SAN No. 2806 Effluent Guidelines and Standards for the Metal Products and Machinery Category, Phases 1 and 2	2040—AB79
3548	SAN No. 4741 Effluent Guidelines and Standards for Pharmaceutical Manufacturing: Amendment	2040—AD97
3549	SAN No. 3155 Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase One	2040—AC95
3550	SAN No. 4047 Test Procedures for the Analysis of Biological Contaminants Under the Clean Water Act	2040—AD08
3551	SAN No. 4089 Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase Two	2040—AD12
3552	SAN No. 4377 Test Procedures for the Analysis of Mercury Under the Clean Water Act (Method 245.7)	2040—AD52
3553	SAN No. 4726 Minimizing Adverse Environmental Impacts from Cooling Water Intake Structures Under Section 316(b) of the Clean Water Act — Phase I Revisions	2040—AD85
3554	SAN No. 2804 Clean Water Act Definition of Waters of the United States	2040—AB74

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3555	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb	2040—AC13
3556	SAN No. 4770 Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions	2040—AD93
3557	National Primary Drinking Water Regulations: Minor Corrections and Clarification to Drinking Water Regulations	2040—AE58
3558	SAN No. 4703 Drinking Water Contaminant Candidate List 2	2060—AD86

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3559	SAN No. 2340 National Primary Drinking Water Regulations: Groundwater Rule (Reg Plan Seq No. 126)	2040—AA97
3560	SAN No. 4341 National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule (Reg Plan Seq No. 127)	2040—AD37
3561	SAN No. 4342 National Primary Drinking Water Regulations: Stage 2 Disinfection Byproducts Rule (Reg Plan Seq No. 128)	2040—AD38

EPA

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

Sequence Number	Title	Regulation Identification Number
3562	SAN No. 4769 National Primary and Secondary Drinking Water Regulations: Approval of Additional Method for the Detection of Coliforms and E. Coli. in Drinking Water	2040—AD90
3563	National Primary Drinking Water Regulations: Analytical Method for Uranium	2040—AE62

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

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

Sequence Number	Title	Regulation Identification Number
3564	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040—AA94
3565	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR	2040—AD54
3566	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements	2040—AD94
3567	SAN No. 4745 Drinking Water Contaminant Candidate List 3	2040—AD99
3568	SAN No. 4236 Underground Injection Control: Update of State Programs	2040—AD40
3569	Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List	2040—AE60

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3570	SAN No. 4447 Drinking Water: Regulatory Determinations Regarding Contaminants on the Drinking Water Contaminant Candidate List	2040—AD61
3571	SAN No. 4424 6—Year Review of Existing National Primary Drinking Water Regulations	2040—AD67

SHORE PROTECTION ACT (SPA)—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
3572	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations	2040—AB85

Environmental Protection Agency (EPA)

Prerule Stage

General

3156. PERSISTENT, BIOACCUMULATIVE, AND TOXIC (PBT) POLLUTANTS STRATEGY

Priority: Other Significant

Legal Authority: “Not Yet Determined”

CFR Citation: 00 CFR NYD

Legal Deadline: None

Abstract: As described in the Agency’s 1998 PBT Strategy, EPA is developing and implementing National Action Plans for certain priority PBT pollutants. These pollutants pose risks because they are toxic, persist in

ecosystems, and accumulate in fish and up the food chain. The PBT challenges remaining stem from the pollutants’ ability to travel long distances, to transfer rather easily among air, water, and land, and to linger for generations. EPA is forging a new approach to reduce risks from and exposures to priority PBT pollutants through increased coordination among EPA national and regional programs. This approach also requires the significant involvement of stakeholders, including international, state, local, and tribal

organizations, the regulated community, environmental groups, and private citizens. EPA is initially focusing action on 12 substances either individually or as categories and two major cross—cutting issues (monitoring and outreach/risk communication). The action plans will use the full range of tools to prevent and reduce releases of these substances. These tools include international, voluntary, outreach, programmatic, remedial, compliance monitoring and assistance, enforcement, research, and regulatory

EPA—General

Prerule Stage

tools. EPA will integrate and sequence actions within and across action plans, and will seek to leverage these actions on international and industry—sector bases. Beyond these first 12 substances EPA will identify additional PBTs for development of National Action Plans. Although these plans are not regulatory actions, EPA has included them in the Regulatory Agenda to inform the public and regulated community because the action plans may discuss regulatory alternatives for consideration.

Timetable:

Action	Date	FR Cite
Notice	06/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN 4463.**Agency Contact:** Tom Murray, Environmental Protection Agency, Office of Prevention, Pesticides and

Toxic Substances, 7409M, Washington, DC 20460
Phone: 202 564—8829
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Paul Matthai, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7409M, Washington, DC 20460
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RIN: 2070—AD45

Environmental Protection Agency (EPA)

Proposed Rule Stage

General

3157. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS**Priority:** Other Significant**Legal Authority:** PL 101—507; PL 102—389; PL 101—549 “sec 1001”; 42 USC 9605(f); PL 100—590; EO 12432; EO 12138; EO 11625**CFR Citation:** 40 CFR 33**Legal Deadline:** None

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

neutral efforts prove inadequate to meet fair share objectives; and (3) administering statutory MBE/WBE objectives as a national goal, allowing smaller or larger fair share objectives for particular grants or cooperative agreements based on the availability standard.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN 4056.**Agency Contact:** Mark Gordon, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 1230, Washington, DC 20460
Phone: 202—260—8886
Fax: 202 501—0139
Email: gordon.mark@epamail.epa.gov

David Sutton, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 1230A, Washington, DC 20460
Phone: 202—564—4444
Fax: 202 501—0756
Email: sutton.david@epamail.epa.gov

RIN: 2020—AA39**3158. 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
NPRM	11/00/03	
Final Action	01/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 3580.**Agency Contact:** Frances Smith, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202—564—4368
Fax: 202 565—2475
Email: smith.frances@epamail.epa.gov
RIN: 2030—AA37**3159. PROPOSED REVISION TO EPA'S IMPLEMENTING NEPA REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4321**CFR Citation:** 40 CFR 6**Legal Deadline:** None**Abstract:** The proposed revision is necessary to clarify and update EPA's

EPA—General

Proposed Rule Stage

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	02/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4292.

Agency Contact: Katherine Biggs, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2252A, Washington, DC 20460

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RIN: 2020—AA42

3160. ● REPORT TO CONGRESS ON ENFORCEMENT DATA CONCERNING SMALL ENTITIES

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: 00 CFR NYD

Legal Deadline: Final, Statutory, December 31, 2003, Final, Other, Statutory, December 31, 2004, Other.

Abstract: The Small Business Paperwork Relief Act of 2002 requires agencies to submit reports concerning

enforcement activities conducted with respect to small entities. An initial report, covering activities in FY 2003, is due by December 31, 2003, with a final report, covering FY 2004 activities, due one year later.

Timetable:

Action	Date	FR Cite
Report to Congress	12/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: SAN 4842.

Agency Contact: Gerard Kraus, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2201A, Washington DC, DC 20460

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Fax: 202 564—0017

Email: kraus.gerard@epa.gov

Deborah Thomas, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2224A, Washington, DC 20460

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RIN: 2020—AA45

3161. PRIVACY ACT REGULATIONS (REVISED)

Priority: Info./Admin./Other

Legal Authority: 5 USC 552a

CFR Citation: 40 CFR 16 (revised)

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4693.

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RIN: 2025—AA13

3162. REVISION TO EPAAR 1552.211—73, LEVEL OF EFFORT

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 1552

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4191.

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EPA—General

Proposed Rule Stage

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RIN: 2030-AA64

3163. REVISIONS TO ACQUISITION REGULATION CONCERNING CONFLICT OF INTEREST

Priority: Substantive, Nonsignificant

Legal Authority: “Not Yet Determined”

CFR Citation: 00 CFR NYD

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	12/00/03	
Final Action	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 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

3164. CONTINUATION OF IMPLEMENTING THE EMPOWERMENT INITIATIVE

Priority: Substantive, Nonsignificant

Legal Authority: “Not Yet Determined”

CFR Citation: 00 CFR NYD

Legal Deadline: None

Abstract: EPA’s Office of Acquisition Management conducted an internal assessment of its organization and determined that in some situations there were too many levels of review required prior to making contract awards and other contract—related decisions. Consequently, steps were taken to revise internal policies to eliminate certain higher level reviews and give authority and responsibility for making decisions relating to contract actions to the qualified individuals most familiar with the contracting action. This rule is being issued as a direct final rule because the changes being made are not considered controversial and adverse comments are not expected.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4742.

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RIN: 2030-AA81

3165. • MISCELLANEOUS REVISIONS TO EPAAR CLAUSES

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4813.

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RIN: 2030-AA84

3166. • ON—SITE AND OFF—SITE BACKGROUND CHECKS PERFORMED BY EPA AND CONTRACTORS

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

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

CFR Citation: 48 CFR 1511; 48 CFR 1552

Legal Deadline: None

Abstract: This rule will require contractors to perform background checks and make suitability determinations before contractor employees can perform services on—site.

EPA—General

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	
Final Action	05/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4814.

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RIN: 2030—AA85**3167. • CONTRACT BUNDLING REQUIREMENTS**

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

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

CFR Citation: 48 CFR 1519; 48 CFR 1552

Legal Deadline: None

Abstract: In March of 2003, the President called on the Office of Management and Budget to prepare a strategy for unbundling Federal contracts. Federal contracting opportunities for Small Businesses have been dramatically reduced because of contract bundling. Contract bundling occurs when two or more procurement requirements for goods or services previously provided or performed under separate, smaller contracts is consolidated into a solicitation of offers for a single contract that is unlikely to be suitable for award to a small business concern. OMB's plan will require all agencies to uniformly review requirements prior to contract bundling. In addition, the plan will require contract bundling reviews for task and delivery orders under multiple award contract vehicles. Senior agency management will be held accountable for eliminating unnecessary contract bundling and mitigating the effects of necessary and justified contract bundling. In acquisitions where contract bundling is determined to be necessary and justified, actions will be taken to mitigate the effects by

increasing subcontracting opportunities for small business. EPA's Office of Small and Disadvantaged Business Utilization and OAM will be working closely to eliminate unnecessary contract bundling and mitigate the effects of necessary contract bundling. Additional agency guidance and training will be forthcoming.

Timetable:

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

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

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RIN: 2030—AA86**3168. WASTE ISOLATION PILOT PLANT (WIPP) FY 2002 REPORT TO CONGRESS****Priority:** Info./Admin./Other

Legal Authority: PL 102—579 sec 23(a)(2)

CFR Citation: Not Yet Determined**Legal Deadline:** None

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

criteria at 40 CFR 194, and thus is safe to contain radioactive waste. Since that time, the DOE has begun emplacing waste in the WIPP. The waste is stored approximately 2,100 feet underground in excavated, natural salt formations. EPA also has responsibility for assuring continual compliance with EPA's radioactive waste disposal standards. EPA continues to have an oversight role at the WIPP to ensure that it continues to protect human health and the environment. This Report summarizes EPA's activities past and present.

Timetable:

Action	Date	FR Cite
Report to Congress	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** SAN 4761.

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RIN: 2060—AK79**3169. • PROJECT XL SITE—SPECIFIC RULEMAKING FOR THE NASA WHITE SANDS TEST FACILITY IN LAS CRUCES, NEW MEXICO (PHASES III TO VI)**

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

Legal Authority: 33 USC 2701—2761; 42 USC 300(f) to 300(j)—26; 42 USC 6901 to 6992(k); . . .

CFR Citation: Not Yet Determined**Legal Deadline:** None

Abstract: The United States Environmental Protection Agency has entered into a final project agreement with the National Aeronautics and Space Administration (NASA) White Sands Test Facility in Las Cruces, New Mexico, that would modify the reporting requirements under the Resource Conservation and Recovery Act (RCRA) and the Safe Drinking Water Act (SDWA). The rule will allow the facility to submit regulatory reports and permit information electronically rather than on paper to the New Mexico Environment Department (NMED) Solid Waste Bureau,

EPA—General

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Hazardous Waste Bureau, Groundwater Bureau, and Air Quality Bureau. Doing so will significantly reduce its regulatory reporting costs and enhance the State's ability to analyze and manage the facility's regulatory and permit information. The electronic reporting involves six phases that will transition NASA from submitting data on a CD-ROM to utilizing the internet to transmit data to NMED. This rule covers Phases III to VI of the project, the previous NASA White Sands Test Facility final rule covered Phases I and II.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	
Final Action	05/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN 4836.**Agency Contact:** Adam Levitan, Environmental Protection Agency,

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RIN: 2090-AA35

Environmental Protection Agency (EPA)

Final Rule Stage

General

3170. IMPLEMENTATION OF AUTHORITY TO APPOINT RESEARCH SCIENTISTS UNDER 42 USC**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 00 CFR NYD**Legal Deadline:** None

Abstract: The proposed regulation will implement the Agency's authority under 42 USC 6A.I.61 section 209(f) and 209(g) to appoint research scientists and to take related personnel actions. Under 42 USC, the Agency has authority to make appointments of research scientists and to take related personnel actions including determining qualifications, method of recruitment, selection, duration of appointment and pay. The Agency's authority under 42 USC is separate from and not limited by 5 USC. The authority granted to the Agency under 42 USC derives from one of the foundation documents of the Agency: Reorganization Plan No. 3 of 1970.

Timetable:

Action	Date	FR Cite
Direct Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4747.

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RIN: 2030-AA83**3171. CROSS—MEDIA ELECTRONIC REPORTING (ER) AND RECORDKEEPING RULE (CROMERRR)****Priority:** Other Significant**Legal Authority:** PL 104—13; PL 105—277**CFR Citation:** 40 CFR 3 (New); 40 CFR 9 (Revision)**Legal Deadline:** None

Abstract: As proposed, the Cross—Media Electronic Reporting (ER) and Recordkeeping Rule (CROMERRR) was intended to provide a uniform legal framework for paperless electronic reporting and recordkeeping, including electronic signature/certification, across EPA's environmental compliance programs. Based on public comment, however, EPA now plans to focus on finalizing the electronic reporting components of the proposed CROMERRR, and to defer further action on the electronic recordkeeping components until a later time. Under current plans, the final electronic reporting (ER) rule will address electronic reporting by companies regulated under all of EPA's programs: air, water, pesticides, toxic substances, wastes, and emergency response. The final rule will remove existing regulatory obstacles to electronic reporting, and it would set requirements for companies choosing to report electronically. In addition, the rule would set the conditions for

allowing electronic reporting under State, tribal or local environmental programs that operate under EPA authorization. The final ER rule is intended to make electronic reporting as simple, efficient, and cost—effective as possible for regulated companies, while ensuring that a transition from paper to electronic reporting does not compromise EPA's compliance and enforcement programs. Consequently, the Agency's strategy is to impose as few specific requirements as possible, and to keep those requirements neutral with respect to technology, so the rule will pose no obstacles to adopting new technologies as they emerge. To ensure that authorized programs at the State, tribal, and local levels meet EPA's electronic reporting goals, the final ER rule would specify a set of criteria that these program's must satisfy as they initiate electronic reporting. In response to public comments, EPA is also planning to include provisions for a streamlined process for EPA to review and approve authorized program revisions or modifications to allow electronic reporting. EPA is required by the Government Paperwork Elimination Act (GPEA) of 1998 to make the option of electronic reporting and recordkeeping available, where practicable, to its regulated community by October 2003.

Timetable:

Action	Date	FR Cite
NPRM	08/31/01	66 FR 46161
Final Action	08/00/04	

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

EPA—General

Final Rule Stage

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4270

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RIN: 2025-AA07

3172. BACKGROUND INVESTIGATIONS FOR CONTRACTORS PERFORMING SERVICES ONSITE

Priority: Substantive, Nonsignificant

Legal Authority: “Not Yet Determined”

CFR Citation: 00 CFR NYD

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

Abstract: Executive Orders 10450 and 12968 require that all persons entering Federal service, including contract employees, be investigated for suitability. The Environmental Protection Agency (EPA) is proposing to amend the EPA Acquisition Regulation (EPAAR) to add a clause requiring contractors (and subcontractors) to perform background checks and make suitability determinations for contractor (and subcontractor) employees performing services on or within Federally—owned or leased space and facilities, commercial space primarily occupied by Federal employees, and Superfund, Oil Pollution Act, and Stafford Act sites. The clause will require contractors (and subcontractors) to perform background checks and make suitability determinations on their employees before the employees can perform on—site contract services for the EPA. Contracting Officers will be allowed to waive the requirements of the clause on a case—by—case basis. The process contemplated by the clause will allow EPA to mitigate any actual

or potential threat to the public health, welfare and the environment.

Timetable:

Action	Date	FR Cite
NPRM	01/22/03	68 FR 2988
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4733.

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RIN: 2030-AA80

3173. REGULATORY INCENTIVES FOR THE NATIONAL ENVIRONMENTAL PERFORMANCE TRACK PROGRAM

Priority: Other Significant

Legal Authority: “Not Yet Determined”

CFR Citation: 40 CFR 63; 40 CFR 262

Legal Deadline: None

Abstract: The National Environmental Performance Track is designed to recognize facilities that consistently meet their legal requirements and have implemented high—quality environmental management systems, and to encourage them to achieve more by continuously improving their environmental performance and informing and involving the public. Facilities gain entrance to Performance Track by submitting an application that documents that four specific criteria are met: an operating environmental management system; commitment to continuous environmental improvement through documented past improvements and future commitments; engaging the public; and a strong record of compliance. To promote participation in the program, and the environmental and other benefits that will come with it, EPA intends to offer several incentives. Among those incentives are the adjustments in current regulatory requirements that are the subjects of this rulemaking. These include reducing the frequency of reports required under the Maximum Achievable Control Technology (MACT) provisions of the Clean Air

Act; and extending on—site storage of RCRA waste to 180 days.

Timetable:

Action	Date	FR Cite
NPRM	08/13/02	67 FR 52674
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4473.

URL For More Information:

www.epa.gov/performancectrack

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RIN: 2090-AA13

3174. PROJECT XL SITE—SPECIFIC RULEMAKING FOR NASA WHITE SANDS TEST FACILITY ELECTRONIC REPORTING IN LAS CRUCES, NEW MEXICO (PHASES I AND II)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

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

EPA—General

Final Rule Stage

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

additional reporting requirements under the CWA and CAA.

Timetable:

Action	Date	FR Cite
NPRM	10/31/01	66 FR 55050
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4536.

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RIN: 2090—AA27

Environmental Protection Agency (EPA)

Long-Term Actions

General

3175. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 164 (Revision)

Legal Deadline: None

Abstract: EPA is preparing a comprehensive revision of the rules of practice governing the conduct of licensing adjudications under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The existing rules of practice were originally promulgated by EPA in 1973. In the subsequent 30 years, Congress has substantially amended FIFRA, creating a number of additional types of licensing adjudications which are not expressly provided for in the existing rules of practice. In order to include provisions tailored to these new types of proceedings, and to incorporate the standard practices which have evolved and the precedents which have been established since these rules were first promulgated, EPA intends to comprehensively revise the FIFRA rules of practice.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4618.

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

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RIN: 2020—AA44

3176. 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, NPRM.

Abstract: EPA regulations at 40 CFR part 2, subpart B, provide procedures for handling and disclosing information claimed as confidential business information (CBI). Although the current regulations have succeeded in protecting CBI, changes in Agency workload, practice, and statutory authority have made it difficult to handle CBI activities as expeditiously as desired. EPA is examining its CBI regulations to determine whether changes are needed to make them more efficient and effective. Provision 40 CFR 2.205(c), which automatically protects CBI substantiations claimed as confidential, is being examined individually and as part of the CBI regulations as a whole.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3240.

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EPA—General

Long-Term Actions

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RIN: 2025—AA02

3177. GUIDELINES FOR CARCINOGEN RISK ASSESSMENT

Priority: Info./Admin./Other

Legal Authority: “Not applicable”

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Agency will use these guidelines to evaluate suspect carcinogens in line with the policies and procedures established in the statutes administered by the EPA.

These guidelines revise and replace EPA Guidelines for Carcinogen Risk Assessment published at 51 FR 33992, September 24, 1986. These guidelines provide EPA staff and decisionmakers with the directions and perspectives necessary to develop and use risk assessments. The guidelines also provide the general public with basic information about the Agency’s approaches to risk assessment.

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

of carcinogenic mechanisms in risk assessment and clearer explication of underlying assumptions in risk assessment.

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3671.

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RIN: 2080—AA06

Environmental Protection Agency (EPA)

Completed Actions

General

3178. IMPLEMENTATION OF CHANGES TO GOVERNMENTWIDE DEBARMENT AND SUSPENSION COMMON RULE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 32

Completed:

Reason	Date	FR Cite
Final Action	11/26/03	68 FR 66533

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2030—AA48

3179. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Final Action	08/26/03	68 FR 51333
Final Action Effective	09/25/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 2020—AA36

3180. FELLOWSHIP GRANT REGULATION REVISION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 46

Completed:

Reason	Date	FR Cite
Interim Final Rule	04/04/03	68 FR 16708
Interim Final Rule Effective	05/05/03	
Interim Final Rule Comment Period End	06/03/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2030—AA77

3181. EPA AGENCYWIDE PUBLIC INVOLVEMENT POLICY

Priority: Substantive, Nonsignificant

CFR Citation: None

EPA—General

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	06/06/03	68 FR 33946

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal**Agency Contact:** Patricia Bonner

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RIN: 2090—AA23**Environmental Protection Agency (EPA)****Prerule Stage****Clean Air Act (CAA)****3182. PETITIONS TO DELIST HAZARDOUS AIR POLLUTANTS: MEK****Priority:** Substantive, Nonsignificant**Legal Authority:** “Clean Air Act Section 112(b)(3)”**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, February 28, 2000, NPRM.

Abstract: The Agency has received 4 petitions to remove certain pollutants (i.e., methanol, methyl ethyl ketone, ethylene glycol butyl ether, and methyl isobutyl ketone) from the list of hazardous air pollutants (HAPs) under Section 112(b) of the Clean Air Act. The Agency must review the petitions and either grant or deny the petition within 18 months of the date the complete petition was received. If the Agency grants a petition, a notice of proposed rulemaking will be published in the Federal Register, allowing the opportunity for public comment. If the Agency denies a petition, a notice of denial will be published in the Federal Register providing an explanation for such denial. If the Agency grants a petition and ultimately removes the pollutant from the HAP list then sources emitting such pollutants would not be required to meet MACT emissions standards for the pollutant. If on the other hand, the Agency denies the petition, then MACT standards would be issued as currently planned under Section 112(c) and 112(d) of the Clean Air Act for sources emitting such pollutants. Depending on the 4 individual determinations, the Agency will issue separate notices for each.

Timetable:

Action	Date	FR Cite
Notice	05/02/01	66 FR 21929
NPRM 1	05/30/03	68 FR 32606
NPRM 2	11/00/03	
NPRM 3	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:**

Undetermined

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RIN: 2060—A172**3183. NESHAP: PERCHLORETHYLENE DRY CLEANING FACILITIES****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7412; 5 USC 610**CFR Citation:** 40 CFR 63**Legal Deadline:** None

Abstract: On September 22, 1993 (58 FR 49354), EPA promulgated standards to control perchlorethylene emissions from drycleaning facilities under section 112 of the Clean Air Act (see 40 CFR part 63, subpart M). Pursuant to section 610 of the Regulatory Flexibility Act, EPA has reviewed this rule to determine if it should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. The full results of EPA's review have been summarized in a report and placed in docket number OAR—2003—0029 in EPA's electronic docket system (www.epa.gov/edocket). These results are briefly summarized here.

EPA has concluded that there is continued need for this rule to protect public health by reducing harmful

perchloroethylene (PCE) emissions as mandated by section 112 of the Clean Air Act. EPA's review also addressed the following issues: complaints received, complexity, duplication and overlap. Regarding complaints, several commenters urged EPA to make the rule more stringent to further reduce or eliminate PCE use. The Agency is currently addressing these kinds of considerations as part of its review of the NESHAP under Clean Air Act sections 112(d)(6) and 112(f), and therefore will not address these issues further here.

A number of commenters cited recordkeeping burdens, but some also acknowledged that the requirements promote efficiency and are consistent with good business practices. Other commenters note that while recordkeeping does impose some paperwork burden, they do not believe it translates into significant economic cost. Another commenter proposed ways to lessen monitoring and recordkeeping burden. The Agency finds that revising the requirements as proposed by the commenters may lead to increased PCE emissions and may fail to demonstrate continued compliance.

The Agency also found that the rule's complexity is necessary to minimize economic impacts on small businesses while ensuring emissions reductions. The Agency received no comments requesting simplification of the rule requirements. EPA therefore finds that revisions to the NESHAP based on rule complexity are not necessary.

The extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules was also assessed as part of this review. The Agency is not aware of any instance where the NESHAP conflicts with State, local, or other requirements, and received no comments to that effect.

EPA—Clean Air Act (CAA)

Prerule Stage

Finally, the Agency must consider the degree to which technology, economic conditions, or other factors have changed in the area of the rule. As noted above, although the Agency finds that no revisions to the NESHAP are necessary for the purpose of this RFA review, the Agency will continue to assess advances in technology as part of the ongoing review of the NESHAP that is required by section 112(d)(6) of the Clean Air Act.

In light of the considerations outlined above, EPA has decided to continue this rule in effect without change. A fuller explanation of the results of this review is given in the aforementioned report which has been placed in the docket established for this review.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4785.

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RIN: 2060—AK64

3184. PROTECTION OF STRATOSPHERIC OZONE: SUPPLEMENTAL RULE REGARDING A RECYCLING STANDARD UNDER SECTION 608

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq “CAA 608”

CFR Citation: 40 CFR 82(F)

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM 1	02/29/96	61 FR 7858
NPRM	11/01/96	61 FR 56493
Notice	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3556.

Additional SANs 3895, 3896. This rule will address a potential adoption of a more flexible method for cleaning refrigerants for refrigerant transferred between appliances with different ownership with a potential adoption of a 3rd party certification program for labs.

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RIN: 2060—AF36

3185. REVISION TO POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS (VOC)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 51.100(s)

Legal Deadline: None

Abstract: EPA is considering the proposal of revisions to its policy on control of volatile organic compounds (VOC), including the use of photochemical reactivity in controlling VOCs. As a first step, an ANPRM will be issued soliciting public comment on various policy options. Subsequent steps could range from taking no further action to publishing a policy statement in the Federal Register. The ANPRM is to announce that EPA is considering revision of its VOC policy which appeared in the July 8, 1977 Federal Register (42 FR 35314) under the title “Recommended Policy on Control of Volatile Organic

Compounds.” That policy statement gave a broad description about how EPA would approach VOC control. This policy also said that we would be exempting certain organic compounds from control in volatile organic compound regulations (to meet ozone ambient air quality limits) due to these compounds having very low ozone forming potential. A list of exempt compounds was later codified in the definition of VOC at 40 CFR 51.100(s) which was adopted on February 3, 1992 (57 FR 3941) for use in State Implementation Plans. The ANPRM will ask for public comments on various approaches EPA may use in the future to take photochemical reactivity into account in controlling VOCs. For example, some have argued that we should determine a specific reactivity number for each individual compound, and to control each compound based on its reactivity number (as opposed to treating all VOC the same way as we do now). The ANPRM could lead to a policy statement, such as the 1977 policy statement, which would give a broad outline of the new approach EPA would take in the future. This would not be a rulemaking, but the revised policy could lead to new rules being adopted still further in the future. (Any such rules would be separately noticed in the Regulatory Agenda.) For example, the ANPRM could eventually lead to a revision of the definition of VOC at 40 CFR 51.100(s).

Timetable:

Action	Date	FR Cite
ANPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4759.

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EPA—Clean Air Act (CAA)

Prerule Stage

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RIN: 2060—AK75

Environmental Protection Agency (EPA)

Proposed Rule Stage

Clean Air Act (CAA)

3186. PETITIONS TO DELIST SOURCE CATEGORIES FROM THE SOURCE CATEGORY LIST, DEVELOPED PURSUANT TO SECTION 112(C) OF THE CLEAN AIR ACT**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** NPRM, Statutory, April 21, 2000, NPRM.

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4415.

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RIN: 2060—AJ23**3187. EVALUATION OF UPDATED TEST PROCEDURES FOR THE CERTIFICATION OF GASOLINE DEPOSIT CONTROL ADDITIVES****Priority:** Substantive, Nonsignificant**Legal Authority:** “CAA 211”**CFR Citation:** 40 CFR 80**Legal Deadline:** None

Abstract: All gasoline must contain additives to control the formation of deposits in the fuel supply system and engine of motor vehicles. If uncontrolled, such deposits can result in a significant increase in motor vehicle emissions. This action will propose that updated test procedures be adopted for the certification of gasoline deposit control additives regarding their ability to control fuel injector and intake valve deposits. The adoption of the updated procedures will ensure that the gasoline deposit control program continues to ensure an adequate level of deposit control, thereby preventing an increase in motor vehicle emissions. The updated test procedures require

less time to perform and are less costly. Therefore, the adoption of the proposed procedures will reduce the burden on industry of complying with the gasoline deposit control program. The proposed action will not impact small businesses, or state, local, or tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4531.

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RIN: 2060—AJ61**3188. 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, Final.

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.

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Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	10/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 3649.

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RIN: 2060—AF72**3189. GENERAL CONFORMITY REGULATIONS; REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401—7671**CFR Citation:** 40 CFR 51.850 to 51.860; 40 CFR 93.150 to 93.160**Legal Deadline:** None

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

requirements for areas designated nonattainment for the newly promulgated NAAQS. In conjunction with an ad hoc work group of representatives from several Federal agencies, EPA will review the implementation of the General Conformity Regulations. The EPA will then propose and promulgate any appropriate revision to those regulations.

Timetable:

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

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN 4070.

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RIN: 2060—AH93**3190. NESHAP: GROUP I POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS—AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63.480 to 63.506 (Revision); 40 CFR 63.1310 to 63.1335 (Revision)**Legal Deadline:** None

Abstract: During the development of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for elastomers (Group I polymers and resins) and thermoplastics (Group IV polymers and resins) (RINs 2060—AD56 and 2060—AE37), many of the provisions contained in the Hazardous Organic NESHAP (HON) were referenced directly by these polymers and resins regulations due to

similarities in processes, emission characteristics, and control technologies. On January 17, 1997, the EPA promulgated changes to the HON to remove ambiguity, to clearly convey EPA intent, and to make the rule easier to understand and implement in response to industry petitions. It is necessary to make parallel changes to the polymers and resins NESHAP; otherwise inconsistencies will exist for NESHAPs regulating similar source categories. An ANPRM was published in the Federal Register on 11/25/96 (61 FR 59849), to explain the nature of changes planned. Subsequently, six litigants have petitioned for review of the elastomers and thermoplastics regulations. Four companies have petitioned EPA to reconsider specific provisions in the thermoplastics regulation. Revisions will be proposed to parallel HON changes and to resolve petitioners' issues.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/96	61 FR 59849
NPRM 1	03/09/99	64 FR 11559
Direct Final 2	06/08/99	64 FR 30406
NPRM 2	06/08/99	64 FR 30453
NPRM 3	06/08/99	64 FR 60456
Direct Final 1	06/19/00	65 FR 38030
Direct Final 3	08/29/00	65 FR 52319
Direct Final 4	10/26/00	65 FR 64161
NPRM 4	02/23/01	66 FR 11233
Final 1	07/16/01	66 FR 36924
Final 2	08/06/01	66 FR 40903
NPRM 5	09/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 3939.**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing

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RIN: 2060—AH47

EPA—Clean Air Act (CAA)

Proposed Rule Stage

3191. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 51**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 major and minor stationary sources of air pollution in Indian country. Pursuant to the Tribal Air Rule, eligible Indian tribes may receive EPA authorization to develop and implement such programs. The Federal NSR permitting programs would be effective throughout Indian country and would be implemented by EPA if eligible Indian Tribes do not elect, or do not receive authorization, to manage such programs. The proposed Federal NSR rule would require sources in Indian country, with certain exceptions, to obtain a permit prior to construction if they are: (1) New minor sources; (2) existing minor sources undergoing modification; or (3) existing major sources undergoing minor modification. The proposed rule also would allow new or existing stationary sources to accept enforceable limits on their production capacity or hours of operation in order to be considered minor sources and avoid being subject to other Clean Air Act requirements such as the title V operating permit program. The proposed Federal major NSR rule would require sources in nonattainment areas in Indian country to obtain a permit prior to construction if they are: (1) New major sources; or (2) existing major sources undergoing major modification. These rules would not impose any mandates on tribal governments to implement NSR permitting programs. Tribal governments may be affected, however, insofar as they own or operate sources that must obtain a permit from the EPA under the final Federal permitting program regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Tribal**Additional Information:** SAN 3975.

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RIN: 2060—AH37**3192. IMPLEMENTATION RULE FOR PM—2.5 NAAQS**

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

RIN: 2060—AK74**3193. PERFORMANCE SPECIFICATION 16 — SPECIFICATIONS AND TEST PROCEDURES FOR PREDICTIVE EMISSION MONITORING SYSTEMS IN STATIONARY SOURCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411**CFR Citation:** 40 CFR 60**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN 4119.

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

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RIN: 2060—AH84**3194. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: MUNICIPAL SOLID WASTE LANDFILLS: AMENDMENT****Priority:** Substantive, Nonsignificant

Legal Authority: 42 USC 7401; 42 USC 7411; 42 USC 7414; 42 USC 7416; 42 USC 7429; 42 USC 7601

CFR Citation: 40 CFR 60.750; 40 CFR 60.751; 40 CFR 60.752(b)(2)(iii)(B); 40 CFR 60.752(b)(2)(iii)(C); 40 CFR 60.752(b)(2)(iii)(D); 40 CFR 60758

Legal Deadline: None

Abstract: This action will amend the existing regulation entitled Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills, subpart WWW of 40 CFR Part 60, promulgated on March 12, 1996. The amendment is being undertaken in response to requests to clarify our intent regarding what constitutes an adequate landfill gas treatment system. This action also clarifies our intent to exempt from control landfill gas that is treated/upgraded. Furthermore, it

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Proposed Rule Stage

clarifies who is responsible for control of untreated landfill gas that is sold. This action is necessary to clarify our intent regarding the issues discussed above. It will improve implementation and compliance with this regulation.

Timetable:

Action	Date	FR Cite
Proposed Amdt	05/23/02	67 FR 36476
Supplemental NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4478.

Sectors Affected: 562212 Solid Waste Landfill

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RIN: 2060—AJ41

3195. UPDATE OF CONTINUOUS INSTRUMENTAL TEST METHODS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: Methods 3A, 6C, 7E, 10, and 20 of 40 CFR Part 60, Appendix A are instrumental methods that are being revised to make their performance criteria consistent. Analyzer calibration error tests and sampling system bias tests now required in Methods 3A, 6C, and 7E are being added to Methods 10 and 20. Inconsistent acceptance criteria for other performance tests and calibration gas quality are also being made uniform. Performance criteria currently determined based on the instrument span is being revised to an emission limit basis. This change will fix the acceptance limits for all source tests on the applicable emission limit and not on a span value that sources have some discretion in choosing. These revisions were proposed on

August 27, 1997, in an announcement entitled Amendments for Testing and Monitoring Provisions. They were considered not significant at that time. The public did not feel that the preamble to the rule provided adequate notice of the changes being made to the methods. The commenters requested a reproposal of these revision to the instrumental methods to allow for adequate public review. Methods 7F and 7G are new methods that measure nitrogen oxides electrochemically. These methods are being proposed in response to requests made by vendors/sources. These methods will add flexibility to the testing provisions currently in place and will not add requirements or affect the stringency of the underlying emission standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	09/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4161.

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RIN: 2060—AK61

3196. NESHAP: PRINTING AND PUBLISHING INDUSTRY; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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

Abstract: The amendments will clarify the rule and ensure it reflects the EPA's intent.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN 4310.

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RIN: 2060—AI66

3197. ELECTRIC UTILITY STEAM GENERATING UNIT MACT REGULATION

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

RIN: 2060—AJ65

3198. PORTLAND CEMENT MANUFACTURING INDUSTRY NESHAP: AMENDMENT TO IMPLEMENT COURT REMAND

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.1340 to 63.1359

Legal Deadline: None

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

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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	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4585.

Sectors Affected: 32731 Cement Manufacturing

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RIN: 2060—AJ78

3199. NATIONAL EMISSION STANDARDS FOR COKE OVEN BATTERIES — RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Statutory, October 27, 2001, NPRM.

Abstract: The Clean Air Act (CAA) Section 112(f), standard to protect health and the environment is the statutory authority for this rulemaking. In accordance with Section 112(f)(2), EPA must promulgate residual risk standards 8 years after promulgation of emission standards. We promulgated emission standards for charging, topside leaks, and door leaks at coke ovens on October 27, 1993. This rule will further reduce coke oven emissions from charging, topside leaks, and door leaks at the affected coke plants.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4620.

Sectors Affected: 331111 Iron and Steel Mills

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RIN: 2060—AJ96

3200. NESHAP: ETHYLENE OXIDE FOR STERILIZATION FACILITIES — RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 6, 2002, Final.

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4654.

Sectors Affected: 3254 Pharmaceutical and Medicine Manufacturing; 311942 Spice and Extract Manufacturing

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RIN: 2060—AK09

3201. NESHAP: GASOLINE DISTRIBUTION (STAGE I) RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 14, 2002, Final.

Abstract: EPA developed technology—based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. The sources covered are Stage I gasoline distribution sources — i.e., sources of air emissions from processes involved with the wholesale distribution of gasoline to gas stations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN 4655.

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RIN: 2060—AK10

3202. NESHAP: SOLVENT EXTRACTION FOR VEGETABLE OIL: AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: On April 12, 2001, EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for solvent extraction of vegetable oil. This amendment will consider adjustments to that NESHAP in light of information gained since its promulgation.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4672. Split from RIN 2060—AH22.

Sectors Affected: 311225 Fats and Oils Refining and Blending; 311223 Other Oilseed Processing; 311222 Soybean Processing

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RIN: 2060—AK32

3203. PETITION TO DELIST A HAZARDOUS AIR POLLUTANT (HAP) SOURCE CATEGORY FROM SECTION 112 OF THE CLEAN AIR ACT — GAS TURBINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: Other, Statutory, Other.

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 or Notice	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4751.

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

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RIN: 2060—AK73

3204. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; PROPOSED AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511b

CFR Citation: 40 CFR 59

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4309.

Sectors Affected: 32599 All Other Chemical Product Manufacturing

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RIN: 2060—AI62

3205. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7521

CFR Citation: 40 CFR 80; 40 CFR 86

Legal Deadline: None

Abstract: This rule establishes appropriate requirements, based on the need for and feasibility of additional requirements, to control hazardous air pollutants (air toxics) from motor vehicles, nonroad engines and vehicles, and their fuels. The Clean Air Act requires EPA to periodically revise such requirements. EPA committed to this rulemaking in its March 29, 2001 rule, Control of Emissions of Hazardous Air Pollutants From Mobile Sources. Motor vehicles are significant contributors to national emissions of several hazardous air pollutants. These pollutants are known or suspected to

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have serious health or environmental impacts. Reducing emissions of these pollutants will reduce the risk to public health and welfare.

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN 4748.

Sectors Affected: 3361 Motor Vehicle Manufacturing; 3363 Motor Vehicle Parts Manufacturing; 32411 Petroleum Refineries; 4227 Petroleum and Petroleum Products Wholesalers

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RIN: 2060—AK70

3206. EMISSIONS DURABILITY PROCEDURES FOR NEW LIGHT—DUTY VEHICLES AND LIGHT—DUTY TRUCKS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7521

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: On October 22, 2002 the U. S. Court of Appeals for the D.C. 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 preproduction 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4757.

Sectors Affected: 3361 Motor Vehicle Manufacturing

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RIN: 2060—AK76

3207. CONTROL OF METHYL TERTIARY BUTYL ETHER (MTBE)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA is considering taking action to control the use of methyl tertiary butyl ether (MTBE), which is an organic compound that is primarily used as a fuel additive in gasoline. MTBE has been used to meet the oxygen requirement established by the Federal Reformulated Gasoline Program (RFG) established by the 1990 amendments to the Clean Air Act (CAA). Over 85 percent of reformulated gasoline contains MTBE. EPA is concerned that the widespread use of MTBE may have resulted in the contamination of groundwater and drinking water supplies, threatening their future use. While current detections levels are generally believed to be below levels that may cause public health concerns, low level MTBE contamination may render water unpotable due to offensive taste and

odor. In November 1998, EPA established a Blue Ribbon Panel to investigate air quality benefits and water quality concerns associated with oxygenates, including MTBE, in gasoline, and to provide independent advice and recommendations on ways to maintain air quality while protecting water quality. In September 1999, the panel recommended that the use of MTBE be substantially reduced. EPA is now evaluating the Blue Ribbon Panel's recommendations, and has conducted a preliminary review of authorities available to address risks associated with MTBE. EPA issued an Advance Notice of Proposed Rulemaking to inform the public of this preliminary inquiry, and to solicit public comment on possible regulatory action.

Timetable:

Action	Date	FR Cite
ANPRM	03/24/00	65 FR 16094
NPRM	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: SAN 4393.

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RIN: 2060—AJ00

3208. OPERATING PERMITS: REVISIONS (PART 70)

Priority: Other Significant

Legal Authority: 42 USC 7661 et seq

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

Legal Deadline: None

Abstract: In response to litigation on the operating permits rule regulations, 40 CFR part 70, to provide more effective implementation of part 70, and to address comments provided in response to notices of proposed rulemaking, parts 70, 51 and 52 are

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being revised. The changes will streamline the procedures for revising stationary—source operating permits issued by State and local permitting authorities under title V of the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM Original	08/29/94	59 FR 44460
Supp NPRM 1	04/27/95	60 FR 20804
Supplemental NPRM	08/31/95	60 FR 45530
NPRM	03/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local**Additional Information:** SAN 3412.

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RIN: 2060—AF70**3209. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING CRITICAL AND EMERGENCY USES OF METHYL BROMIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671c**CFR Citation:** 40 CFR Part 82**Legal Deadline:** None

Abstract: With this action, EPA will revise the accelerated phaseout regulations that govern the production, import, export, transformation and destruction of substances that deplete the ozone layer. The amendments will incorporate exemptions permitted under the Montreal Protocol on Substances that Deplete the Ozone Layer and recent changes to the Clean Air Act. Specifically, the amendments will create a process to exempt production and consumption of quantities of methyl bromide for critical and emergency uses from the 2005

phaseout of methyl bromide. Because this is an exemption, the rule will confer a benefit on affected entities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN 4535.

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RIN: 2060—AJ63**3210. PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** SAN 4697.

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RIN: 2060—AK45**3211. PROTECTION OF STRATOSPHERIC OZONE: RECONSIDERATION OF SECTION 608 SALES RESTRICTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671(g) “CAA 608”**CFR Citation:** 40 CFR 82(F)**Legal Deadline:** None

Abstract: EPA is amending the rule on refrigerant recycling, promulgated under section 608 of the Clean Air Act to clarify how the statutory venting prohibition of the Act applies to refrigerants that are used as substitutes for CFC and HCFC ozone—depleting refrigerants. It also exempts refrigerants that are used as substitutes for CFC and HCFC ozone—depleting refrigerants. It also exempts certain substitute refrigerants from the prohibition on the basis of current evidence that their release does not pose a threat to the environment. In addition, EPA is extending the refrigerant sales restriction to substitute refrigerants that consist of an ozone—depleting substance.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None**Additional Information:** SAN 3673.

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RIN: 2060—AG20

3212. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA, SULFUR DIOXIDE (SO₂) AREA

Priority: Other Significant

Legal Authority: 12 USC 1701 et seq

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: The State of Montana submitted a sulfur dioxide (SO₂) State Implementation Plan (SIP) for the Billings/Laurel, Montana, area. On 5/2/02 and 5/22/03 we partially approved and partially disapproved Montana's SO₂ SIP for Billings/Laurel. EPA intends to propose a Federal Implementation Plan (FIP) to cover those parts of the State's plan we disapproved. EPA's FIP will assure that the Billings/Laurel area will attain and maintain the SO₂ NAAQS.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

Federalism: Undetermined

Additional Information: SAN 4542.

Sectors Affected: 32411 Petroleum
Refineries

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RIN: 2008—AA00

3213. INSPECTION/MAINTENANCE RECALL REQUIREMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 51

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	04/00/05	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3262.

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RIN: 2060—AE22

3214. INSPECTION MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT TO THE FINAL RULE

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: The Environmental Protection Agency (EPA) has had oversight and policy development authority for Inspection and Maintenance (I/M) programs since the

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal,
State

Additional Information: SAN 4348.

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 RIN: 2060—AI97

3215. AMBIENT AIR QUALITY MONITORING REGULATIONS: REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: None

Abstract: Air pollution control authorities use air quality data to determine compliance with the National Ambient Air Quality Standards and in subsequent work to develop air pollution mitigation strategies. The data come primarily from ambient air monitoring stations run by state and local agencies, although federal, tribal, and industrial organizations also run stations. The design of the monitoring networks is regulated under 40 CFR 58. This rule was originally written in 1979 and several revisions have been made in the intervening years. Air pollution control authorities have improved their parts of the network in response to changes in air quality, advances in the understanding of the movements and health effects of air pollutants, and developments in air pollution measurement technology. EPA has also cooperated with air pollution control authorities to improve the networks, but we have not revised the applicable regulations comprehensively. The proposed revisions would remove real or perceived constraints on redeploying air monitoring stations; more accurately reflect the roles of EPA and other control authorities in designing, reviewing, and modifying networks; bring provisions related to quality assurance up to date; and recognize technological changes. The current regulations require states to develop plans to deploy air monitoring networks, but they do not emphasize administering the networks. States

generally develop new plans only when new monitoring is needed, such as for a new NAAQS. The regulations need to be revised to reflect the roles of EPA and the state and local agencies.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4421.

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

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RIN: 2060—AJ25

3216. REVISIONS TO REGIONAL HAZE RULE TO ADDRESS CONCERNS RAISED BY DC CIRCUIT REGARDING BEST AVAILABLE RETROFIT TECHNOLOGY (BART)

Priority: Other Significant

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

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

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

Abstract: To meet the Clean Air Act's requirements, EPA published the regional haze rule on July 1, 1999 (64 FR 35714). On May 24, 2002, the DC Circuit vacated certain provisions of the regional haze rule related to best available retrofit technology (BART).

Because of this court decision, we need to propose and publish revised BART provisions in the regional haze rule. The purpose of this effort is to provide the appropriate changes to the BART requirements and guidelines, and to address additional issues related to reasonable progress goals for the visibility program. On July 20, 2001, we proposed guidelines intended to add further clarifications to the BART requirements in the regional haze rule. Since then, due to additional information that has come to light since that proposal, we have decided that a supplemental proposal is needed.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4450.

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RIN: 2060—AJ31

3217. CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND ENGINES: ALTERNATIVE LOW—SULFUR HIGHWAY DIESEL FUEL TRANSITION PROGRAM FOR ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7545; 42 USC 7601(a); 42 USC 7625—1

CFR Citation: 40 CFR 69 and 80 (Revision)

Legal Deadline: None

Abstract: This action will carry out a flexibility provision for Alaska that was included in EPA's heavy-duty diesel rule, which was promulgated on

EPA—Clean Air Act (CAA)

Proposed Rule Stage

January 18, 2001. That rule established more stringent national emission standards for heavy-duty highway vehicles and engines for the 2007 model year, and a technology-enabling sulfur limit of 15 ppm for highway diesel fuel beginning in 2006. In that rule, EPA recognized Alaska's unique geographical, meteorological, air quality, and economic factors and provided Alaska an opportunity to develop its own plan to transition to low-sulfur highway diesel fuel, as an alternative to the national transition program. Our goal in offering this flexibility is to transition Alaska into the low-sulfur fuel program in a manner that minimizes costs, while ensuring that the new vehicles and engines receive the low-sulfur fuel they need. As stated in the Federal Register notice for the diesel rule, if Alaska submits an alternative plan by April 1, 2002, and if EPA determines that it provides a reasonable alternative, EPA intends to initiate rulemaking and, within one year from the date of Alaska's submittal, promulgate a final rule to incorporate the alternative plan. A stakeholder process to develop options is already underway in Alaska, and the State informed EPA that it intends to submit an alternative transition plan in late 2001 or early 2002. This action will be in response to that anticipated submittal.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4570.

Sectors Affected: 336112 Light Truck and Utility Vehicle Manufacturing

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RIN: 2060-AJ72

3218. MODIFICATION OF AUTHORITY TO GRANT ALTERNATIVE METHOD APPROVALS

Priority: Substantive, Nonsignificant

Legal Authority: "Not Yet Determined"

CFR Citation: 00 CFR NYD

Legal Deadline: None

Abstract: Currently, stationary source regulations cite specific test methods to demonstrate compliance. If a source locates a test method which will measure the regulated pollutant(s) with similar precision and accuracy to the method cited in the regulation, and would like to use the alternative method, the source must petition the EPA (along with data documenting the applicability of the alternative) to allow the alternative method. Each of these alternative method approvals by letter may currently only be granted to a specific source. Source category-wide approvals must be published for comment in the Federal Register. Due to budgetary and time constraints, the process constrains industry trade associations from developing and submitting alternative test methods. Therefore, the purpose of this rulemaking is to modify the regulations to allow source category-wide alternative method approvals to be issued by letter.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4547.

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RIN: 2060-AJ83

3219. ADOPTION OF THE AMENDED INTERNATIONAL NOX STANDARD FOR AIRCRAFT ENGINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq; "CAA 231 to 232"; 42 USC 7571 to 7572; 5 USC 552(a)

CFR Citation: 40 CFR 87.1; 40 CFR 87.21; 40 CFR 87.64; 40 CFR 87.71; 40 CFR 87.10; 40 CFR 87.31(b); 40 CFR 87.82; 40 CFR 87.89

Legal Deadline: None

Abstract: The purpose of this proposed rulemaking is to amend the existing United States regulations governing the exhaust emissions from new commercial aircraft gas turbine engines. The amendment will codify into United States law the recently amended voluntary NOx emission standard of the United Nation's International Civil Aviation Organization (ICAO), thus bringing the United States emission standards into alignment with the internationally adopted standards. This NOx standard was adopted at the ICAO/Committee on Aviation Environmental Protection (CAEP) 4 meeting in 1998. The implementation of the standard is to begin in January 2004. Further, this amendment will establish consistency between U.S. and international requirements and test procedures. This action is necessary to ensure that domestic commercial aircraft meet international standards and the public can be assured that they are receiving the air quality benefits of the international standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4631.

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

EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060—AK01

**3220. MODIFICATION OF ANTI—
DUMPING BASELINES FOR
GASOLINE PRODUCED OR
IMPORTED FOR USE IN HAWAII,
ALASKA AND THE U.S. TERRITORIES**

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 80 (Revision)

Legal Deadline: None

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

Specifically, this action would allow refiners and importers to petition EPA to use the summer Complex Model for all anti—dumping baseline and compliance determinations for conventional gasoline produced or imported for use in Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands. This action would allow refiners and importers to petition EPA to use the winter Complex Model for all anti—dumping baseline and compliance purposes in Alaska. We are proposing this action to address certain

inconsistencies in the RFG program’s anti—dumping provisions which may have significant unintended negative impacts on refiners and importers. In addition, this action proposes to modify the anti—dumping provisions to address compliance in certain situations where a refinery becomes nonoperational during the annual averaging period. This action is intended to address compliance issues where a refinery does not produce sufficient “summer” gasoline to offset the higher emissions of “winter” gasoline due to the refinery becoming non—operational during the annual averaging period. Today’s proposed actions would not compromise the environmental goals of the RFG program, or result in any environmental degradation. Today’s proposed actions would not have any negative impact on small businesses or state/local/tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Additional Information: SAN 4632.

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RIN: 2060—AK02

**3221. PERFORMANCE—BASED
MEASUREMENT SYSTEM FOR FUELS:
CRITERIA FOR SELF—QUALIFYING
ALTERNATIVE TEST METHODS;
DESCRIPTION OF OPTIONAL
STATISTICAL QUALITY CONTROL
MEASURES**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: Transportation fuels (like gasoline and diesel fuel) are regulated by EPA under the Clean Air Act to control the emissions that result when they are burned in engines, and also to protect engines’ emission control equipment. Fuels regulations require

measurement of various of the fuels’ properties, and prescribe “designated” analytical methods for that purpose. This regulation is intended to provide a way for regulated parties to self—qualify alternatives to the designated measurement methods that may be cheaper, quicker, simpler, more amenable to automation, or otherwise preferable. The regulation will also prescribe a minimum level of statistical quality control for all fuels test methods, designated or alternative. The regulations should quicken the adoption of new measurement technologies by removing the need for multiple method—specific rule—makings, but to do so in a way that will not degrade the performance of the overall measurement system. The qualification criteria are designed to admit only methods that are as precise as the designated methods and can be made to accurately predict designated method measurements. Introduction of statistical quality control for all methods should improve measurement precision and accuracy in actual practice across all methods.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4633.

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

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RIN: 2060—AK03

EPA—Clean Air Act (CAA)

Proposed Rule Stage

3222. • TRANSPORTATION CONFORMITY RULE AMENDMENTS FOR NEW 8—HOUR OZONE AND PM2.5 NATIONAL AMBIENT AIR QUALITY STANDARDS

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

Legal Authority: 42 USC 7401—7671q

CFR Citation: 40 CFR 51 and 93

Legal Deadline: None

Abstract: The transportation conformity rule ensures that transportation planning is consistent with a state's plans for achieving the air quality standards. These amendments to the existing transportation conformity rule are necessary as a result of the new 8—hour ozone and PM2.5 air quality standards. The main issues that will be addressed in these amendments are the regional emissions tests that apply before new SIPs are submitted and which particulate matter provisions of the rule apply to PM2.5.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN 4811.

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RIN: 2060—AL73

3223. • PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ALLOWABLES PLANTWIDE APPLICABILITY LIMIT (PAL), AGGREGATION, AND DEBOTTLENECKING

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

RIN: 2060—AL75

3224. • RULE TO REDUCE INTERSTATE TRANSPORT OF FINE PARTICULATE MATTER AND OTHER POLLUTANTS (INTERSTATE TRANSPORT RULE)

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

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

Legal Authority: 42 USC 7410(a)

CFR Citation: 40 CFR 51; 40 CFR 72; 40 CFR 75; 40 CFR 96

Legal Deadline: None

Abstract: Many pollutant types and sources contribute to ambient levels of fine particulate matter (PM2.5) and ozone that exceed national air quality standards, and to regional haze that adversely affects visibility in Federal class I areas. Some of these pollutants may originate tens or hundreds of miles from the areas where violations of the national ambient air quality standards are detected, from sources that are outside the jurisdiction of the State that is harmed. The Clean Air Act requires that a State take steps to prevent emissions from sources located within its boundaries from interfering with a downwind State's ability to meet air quality standards, or interfering with measures to protect visibility. EPA believes it is important to address interstate transport for PM2.5 prior to the time when State plans addressing nonattainment of the standards are completed, so that States can rely on upwind reductions when developing plans for attaining the standards. The Bush Administration has proposed Clear Skies legislation that will help reduce interstate transport of pollution from the largest emitters in the power generation sector. This mandatory program would dramatically reduce sulfur dioxide (SO2), nitrogen oxides (NOx), and mercury by setting a

national cap on emissions of each pollutant from power generators. Trading would provide sources with flexibility to reduce their emissions in most efficient and least costly way. EPA prefers to address the issue of transported pollution from power generators through Clear Skies legislation rather than rulemaking. Because enactment of legislation is inherently uncertain, in addition to promoting legislation EPA is initiating this rulemaking as a potential substitute to achieve part of what would be achieved by Clear Skies. Also, if analysis warrants, this rulemaking could supplement legislation by addressing categories of emissions sources not covered by the legislation. Further, EPA will conduct updated transport analyses to determine whether emission reductions beyond the already—promulgated NOx SIP Call (63 FR 57355) are warranted for purposes of the 8—hour ozone standard. Under the interstate transport rule, EPA would establish State—level emissions budgets for transported pollutants, and offer compliance flexibility in the form of an emissions trading program.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4794.

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RIN: 2060—AL76

EPA—Clean Air Act (CAA)

Proposed Rule Stage

3225. • SECTION 126 RULE: LIFTING THE 8—HOUR STAY

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

Legal Authority: 42 USC 7426

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

Legal Deadline: Final, Statutory, November 29, 2004, Final.

Abstract: Section 126 of the CAA allows States to petition EPA for a finding that emissions from stationary sources in other States significantly contribute to nonattainment problems in the petitioning State. If EPA approves a petition, EPA would establish Federal requirements for the sources. In April 1999, EPA finalized action on 8 petitions submitted by Northeastern States for purposes of mitigating interstate transport of NOx, one of the main precursors of ground-level ozone. Subsequent court rulings caused EPA to stay the portion of the rule based on the 8—hour ozone standard. Now, the aforementioned court challenges have been resolved, enabling EPA to lift the stay on the 8—hour portion of the rule. This action would accomplish the removal of that stay.

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4095.1. Split from RIN 2060—AH88.

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RIN: 2060—AL79

3226. • AMENDMENT TO MARINE DIESEL RULE

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

Legal Authority: 42 USC 7621 et seq; 42 USC 7542 et seq

CFR Citation: 40 CFR 94

Legal Deadline: None

Abstract: In February 2003, we adopted emission standards for Category 3 marine diesel engines. The changes to 40 CFR part 94 inadvertently displaced some of the provisions we had recently established for recreational marine diesel engines in November 2002. This direct final rule corrects these errors; these corrections are intended merely to replace regulatory text we originally adopted under each program.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4622.1. Split from RIN 2060—AJ98.

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RIN: 2060—AL81

3227. • SECTION 126 RULE: WITHDRAWAL OF FINDINGS FOR SOURCES IN MICHIGAN

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

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 52.34

Legal Deadline: None

Abstract: In response to petitions submitted by four Northeastern States, in January 2000, EPA issued the Section 126 Rule which required sources in Michigan and certain other States to reduce nitrogen oxides (NOx) emissions for the purpose of reducing interstate ozone transport. EPA coordinated the Section 126 Rule with another rule known as the NOx State

implementation plan (SIP) Call, which also addresses ozone transport in the eastern half of the United States. EPA established a mechanism in the Section 126 Rule whereby the rule would be withdrawn for sources in a State if the State submitted, and EPA approved, a SIP that complied with the NOx SIP Call. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have been delayed and the NOx SIP Call has been divided into two phases. Therefore, in a separate action, EPA recently proposed to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. Under that proposal, where a State submits a NOx SIP that meets only Phase 1 of the NOx SIP Call, EPA would need to make a determination that the SIP controls the total group of Section 126 sources to the same stringency as the Section 126 Rule would before the Section 126 Rule could be withdrawn. The EPA has reviewed and is in the process of approving the Michigan NOx SIP. In this current action, EPA is proposing that the SIP meets the newly proposed Section 126 Rule withdrawal criteria, and therefore, EPA is proposing to withdraw the redundant Section 126 Rule for sources in Michigan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local

Additional Information: SAN 4796.

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AL83

3228. • 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:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51.121**Legal Deadline:** None

Abstract: This action would amend a final rule EPA issued under section 110 of the Clean Air Act (CAA) related to interstate transport of pollutants. EPA is proposing to lift the stay of our findings in the nitrogen oxides State Implementation Plan Call (NOx SIP Call) contained in 40 CFR 51.121(a)(2), related to the 8—hour ozone national ambient air quality standards (NAAQS). The findings were stayed in a final rule published in the Federal Register on September 18, 2000 (65 FR 56245). This action does not create any new requirements; it merely reinstates a requirement of the NOx SIP Call that had previously been stayed. The background on the NOx SIP Call and the aforementioned stay are as follows: In the final NOx SIP Call, 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 based on the uncertainty created by the D.C. Circuit's decision. EPA have now completed the actions necessary to address the aforementioned remand, and therefore is now conducting rulemaking to lift the stay.

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** SAN 4797.

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RIN: 2060-AL84

3229. • DEFERRAL OF EFFECTIVE DATE OF NONATTAINMENT DESIGNATIONS FOR 8—HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR EARLY ACTION COMPACT AREAS**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 7407; 42 USC 7601**CFR Citation:** 40 CFR 81**Legal Deadline:** None

Abstract: EPA is proposing to defer the effective date of nonattainment air quality designations for “Early Action Compact Areas” that are violating the 8—hour ozone national ambient air quality standard, but have agreed to reduce ground—level ozone pollution earlier than the Clean Air Act requires. This proposal establishes the first of three dates by which EPA would defer the effective date of nonattainment designations for any of these areas that continues to meet all compact milestones. In a separate action, EPA will designate these areas “nonattainment” by April 15, 2004; however, as long as Early Action Compact areas meet agreed—upon milestones, the impact of nonattainment designation for the 8—hour ozone standard will be deferred until September 30, 2005.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** SAN 4798.

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RIN: 2060-AL85

3230. • AMENDMENTS TO THE PHASE 2 REQUIREMENTS FOR SPARK—IGNITION NONROAD ENGINES LESS THAN 19 KILOWATTS**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 7547**CFR Citation:** 40 CFR 90 (Revision)**Legal Deadline:** None

Abstract: EPA adopted phase 2 requirements for small (less than 19 kilowatts) spark—ignition (gasoline) nonroad engines in March 1999 and April 2000. The Phase 2 requirements are being phased—in between 2001 and 2007. (The majority of the engines covered by these regulations are used in lawn and garden applications.) In February 2003, the Outdoor Power Equipment Institute, a trade group representing engine manufacturers, petitioned EPA and requested several changes to the phase 2 regulations. This rulemaking includes several amendments to the phase 2 requirements intended to ensure a smooth transition to the phase 2 standards for engine manufacturers. The amendments contain a number of changes to the averaging, banking, and

EPA—Clean Air Act (CAA)

Proposed Rule Stage

trading program and to the certification process.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4801.

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RIN: 2060—AL88

3231. • AMENDMENTS TO LEATHER FINISHING NESHAP

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

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: On February 27, 2002, EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Leather Finishing Operations industry. EPA was subsequently petitioned by two affected facilities concerning the definition of specialty leather. EPA has engaged in negotiations with these facilities concerning the definition and is issuing these technical corrections to address the concerns. The amendments to the rule will clarify the definition of specialty leather and provide a means of determining what kinds of leather meet the definition of specialty leather.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4802.

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RIN: 2060—AL89

3232. • PROTECTION OF STRATOSPHERIC OZONE; ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT AND EXPORT; CORRECTION

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

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

CFR Citation: 40 CFR 82 (Revision)

Legal Deadline: None

Abstract: Although an allowance allocation system for controlling hydrochlorofluorocarbon (HCFC) production, import, and export was established with publication of the final rule on January 21, 2003 (SAN 4120, RIN 2060—AH67), several issues associated with that system have arisen that need to be amended for clarity and consistency.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4804.

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RIN: 2060—AL90

3233. • AMENDMENTS TO THE NESHAP FOR CELLULOSE PRODUCTS MANUFACTURING

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

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: On July 11, 2002, EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Cellulose Products Manufacturing industry. The EPA was subsequently petitioned by two affected facilities concerning several issues. The EPA has engaged in negotiations with these facilities concerning the issues and is issuing these amendments to address the concerns. The amendments clarify several definitions and provide clearer and consistent directions on complying with the standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4808.

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RIN: 2060—AL91

EPA—Clean Air Act (CAA)

Proposed Rule Stage

3234. • PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING EMERGENCY USES OF METHYL BROMIDE

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

Legal Authority: PL 105—277, sec 764

CFR Citation: 40 CFR Part 82

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4819.

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RIN: 2060—AL94

3235. • PROTECTION OF STRATOSPHERIC OZONE: QUANTITY ALLOCATION OF METHYL BROMIDE AFTER THE PHASEOUT FOR CRITICAL USE EXEMPTIONS

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

Legal Authority: PL 105—277, sec 764

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: Under the Clean Air Act and the Montreal Protocol on substances that deplete the ozone layer, this rule will seek to allocate quantities of methyl bromide for critical use exemptions to entities within the United States based on amounts of methyl bromide authorized by the parties to the Montreal Protocol for use after the 2005 phase-out date. This action is a deregulatory action that will reduce 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.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4820.

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RIN: 2060—AL95

3236. • FIVE—YEAR REVIEW OF MACT STANDARDS FOR LARGE MWC

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

Legal Authority: 42 USC 7401 et seq.

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, April 30, 2004, NPRM. Final, Judicial, June 30, 2006, Final.

Abstract: Under section 129 of the Clean Air Act (CAA), EPA is required to adopt and implement maximum achievable control technology (MACT) standards for both new and existing large municipal waste combustion units (MWC). Those MACT standards have been adopted and fully implemented with all retrofits completed. Section 129(a)(5) of the CAA requires EPA to review and, if necessary, revise those standards every 5 years. This rulemaking addresses those requirements and is the first 5—year review of the MACT standards. Implementation of these MACT standards has been highly effective and has reduced dioxin/furan emissions by more than 99 percent since 1990 and mercury emissions by more than 95 percent since 1990. Similar reductions have occurred for other CAA section 129 pollutants.

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4829.

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RIN: 2060—AL97

EPA—Clean Air Act (CAA)

Proposed Rule Stage

3237. • ALTERNATIVE WORK PRACTICE FOR LEAK DETECTION AND REPAIR

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

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60, subpart GGG

Legal Deadline: None

Abstract: This rule would amend existing regulations controlling emissions of volatile organic compounds (VOC) from oil refineries under Clean Air Act section 111. These regulations are codified at 40 CFR part 60, subpart GGG. These regulations require periodic leak detection and repair (LDAR) of pumps and valves. The current work practice requires each

pump and valve to be individually monitored for leaks. Refineries have had LDAR programs in place for nearly 20 years and view them as burdensome because they are labor intensive. Newer laser based monitoring technology is being developed which will detect leaks at a reduced costs because of the ability to monitor multiple components at one time. This rule would amend the existing regulations which affect refineries to enable the plant operators to use the new technology.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4830.

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RIN: 2060—AL98

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

Final Rule Stage

3238. SOURCE—SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION

Priority: Substantive, Nonsignificant

Legal Authority: “Not Yet Determined”

CFR Citation: 49 CFR 123

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48725
Notice	01/26/00	65 FR 4244
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4315. Formerly listed as RIN 2060—AI79

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RIN: 2009—AA00

3239. SOURCE—SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; FOUR CORNERS POWER PLANT

Priority: Other Significant

Legal Authority: 42 USC 1740

CFR Citation: 40 CFR 60

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48731
Final Action	12/00/03	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN 3569. NPRM—
<http://www.epa.gov/fedrgstr/EPA—AIR/1999/September/Day—08/a23277.htm>.; Formerly listed as RIN 2060—AF42

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RIN: 2009—AA01

EPA—Clean Air Act (CAA)

Final Rule Stage

3240. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS REQUIREMENTS UNDER CLEAN AIR ACT SECTION 112(R)(7); AMENDMENTS TO THE SUBMISSION SCHEDULE AND DATA REQUIREMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412(r)**CFR Citation:** 40 CFR 68**Legal Deadline:** Other, Statutory, June 21, 2004, Other.

Abstract: On June 20, 1996, EPA published risk management planning regulations mandated under the accidental release prevention provisions of the Clean Air Act (CAA). Sources with more than a threshold quantity of a regulated substance in a process are required to develop and implement a risk management program that includes, for covered processes, a five-year accident history, an off-site consequence analysis, a prevention program, and an emergency response program. The owners and operators of these sources must submit a risk management plan (RMP) that summarizes the source's implementation of the risk management program. The RMPs are to be made available to Federal, state, and local emergency planning and response agencies and to the public through a central location. The first submissions were received in June 1999; to date, approximately 15,000 sources have submitted RMPs.

EPA is proposing to modify the submission schedule under the risk management program by adding two triggers to the requirements to correct or update the RMP: (a) sources who have an accident that meets the criteria for the five year accident history be required to update their RMP within six months of the date of the accident; and (b) sources will be required to correct their emergency contact information within one month of a change in the information. EPA is also proposing to add four data elements to the RMP: (a) a mandatory data element for sources to provide the e-mail address for the emergency contact; (b) new data elements for sources to provide the reason for an RMP update (e.g. new regulated substance onsite, etc.) or correction; (c) a new five-year accident history data element requirement for the owner or operator

to provide an indication of whether the accident involved an uncontrolled/runaway reaction; and (d) additional data elements for sources that use a contractor to fill out the RMP to provide their name, address and telephone number. Finally, EPA proposes to remove the requirement for sources to discuss the off-site consequence analysis (i.e. worst-case accidental release scenario(s) and the alternative accidental release scenario(s)) within the executive summary of the RMP. This effort will ultimately provide the implementing agency important contact and accident information to allow for assistance and improved communications of information to prevent accidents.

These changes should not significantly change the associated burden. The major change would be the accidental release update requirement; however, the source will not need to submit again, provided there are no other accidents or major changes, for another 5 years. EPA intends to finalize all of these changes in time for the majority of facilities to complete their five year updates due June 21, 2004.

Timetable:

Action	Date	FR Cite
NPRM	07/31/03	68 FR 45124
Final Action	01/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4755.

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RIN: 2050-AF09**3241. AMENDMENT TO SUBPARTS H AND I FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 95-95; "CAAA 112(g) or (q)"**CFR Citation:** 40 CFR 61**Legal Deadline:** None**Abstract:** Subparts H and I of 40 CFR Part 61 establish standards under the

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

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN 4768.

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RIN: 2060-AK81

EPA—Clean Air Act (CAA)

Final Rule Stage

3242. MOTOR VEHICLE AND ENGINE COMPLIANCE PROGRAM FEES FOR: LIGHT—DUTY VEHICLES AND TRUCKS; HEAVY—DUTY VEHICLES AND ENGINES; NONROAD ENGINES; AND MOTORCYCLES**Priority:** Other Significant**Legal Authority:** 42 USC 7552; 31 USC 9701; 42 USC 4370(c)**CFR Citation:** 40 CFR 86 (Revision)**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	08/07/02	67 FR 51402
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 4532.

Sectors Affected: 3331 Agriculture, Construction, and Mining Machinery Manufacturing; 336412 Aircraft Engine and Engine Parts Manufacturing; 33399 All Other General Purpose Machinery Manufacturing; 33611 Automobile and Light Duty Motor Vehicle Manufacturing; 336311 Carburetor, Piston, Piston Ring and Valve Manufacturing; 33312 Construction Machinery Manufacturing; 3336 Engine, Turbine, and Power Transmission Equipment Manufacturing; 333111 Farm Machinery and Equipment Manufacturing; 33612 Heavy Duty Truck Manufacturing; 333924 Industrial Truck, Tractor, Trailer and Stacker Machinery Manufacturing; 333112 Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing; 336112 Light Truck and

Utility Vehicle Manufacturing; 333 Machinery Manufacturing; 33392 Material Handling Equipment Manufacturing; 333131 Mining Machinery and Equipment Manufacturing; 3361 Motor Vehicle Manufacturing; 336991 Motorcycle, Bicycle and Parts Manufacturing; 333991 Power-Driven Hand Tool Manufacturing; 33651 Railroad Rolling Stock Manufacturing; 33661 Ship and Boat Building

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RIN: 2060—AJ62**3243. REVISION TO THE GUIDELINE ON AIR QUALITY MODELS (APPENDIX W TO 40 CFR PART 51): ADOPTION OF A PREFERRED GENERAL PURPOSE (FLAT AND COMPLEX TERRAIN) DISPERSION MODEL AND OTHER REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410 “CAAA 110(a)(2)”; “CAAA 165(e)”; “CAAA 172(a)”; “CAAA 172(c)”; 42 USC 7601 “CAAA 301(a)(1)”; “CAAA 320”**CFR Citation:** 40 CFR 51.112; 40 CFR 51.160; 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None

Abstract: This action would revise the Guideline on Air Quality Models, published as appendix W to 40 CFR part 51. The guideline provides EPA—recommended models for use in predicting ambient concentrations of pollutants for programs ranging from Prevention of Significant Deterioration (PSD) to State Implementation Plans (SIPs) for controlling air pollution sources. The guideline fulfills a Clean Air Act mandate for EPA to specify models for air management purposes. This revision would enhance the Guideline by incorporating a new, general purpose dispersion model called AERMOD, which would replace the existing Industrial Source Complex

(ISC3) model in many air—quality assessments, including those involving complex terrain. An earlier version of the AERMOD revision was previously proposed (65 FR 21505, 4/21/2000; see SAN 3470), but not promulgated. We are reproposing it to reflect changes made in response to public comment we received on the April 2000 proposal.

Timetable:

Action	Date	FR Cite
NPRM	04/21/00	65 FR 21505
Notice of Data Availability	09/08/03	68 FR 52934
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN 3470.1. Split from RIN 2060—AF01.

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3244. NESHAP: COMBUSTION TURBINE**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 “CAA 112”**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000, Final, Final, Judicial, August 29, 2003, Final.

Abstract: The combustion turbine source category is listed as a major source of hazardous air pollutants (HAPs) under section 112 of the Clean Air Act (CAA). A major source is one which emits more than 10 tons/yr of one HAP or more than 25 tons/yr of a combination of 189 HAPs. Combustion turbines also emit NOx, SO2, CO, and PM. Combustion turbines are already regulated for NOx and SO2 emissions under section 111 of the

EPA—Clean Air Act (CAA)

Final Rule Stage

CAA. The combustion turbine MACT was published in the Federal Register on January 14, 2003. A public hearing was held on January 29, 2003 and the public comment period closed on February 28, 2003. Comments and data received during the comment period resulted in a reanalysis of the MACT floor and MACT for different subcategories. Subcategories based on fuel were developed (oil and natural gas) in response to public comments. A delisting petition for some combustion turbine subcategories was sent to EPA on August 28, 2002. The subcategory list and the regulation will be revised if these combustion turbine subcategories are delisted. The final combustion turbine MACT will be signed by the Administrator in August 2003.

Timetable:

Action	Date	FR Cite
NPRM	01/14/03	68 FR 1888
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 3657.

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RIN: 2060—AG67**3245. NESHAP: IRON AND STEEL FOUNDRIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 2000, Final, Final, Judicial, August 29, 2003, Final.

Abstract: Iron foundries and steel foundries have been identified by the EPA as potentially significant sources of air emissions of manganese

compounds, lead compounds, and other substances that are among the pollutants listed as hazardous air pollutants in section 112 of the Clean Air Act, as amended in November of 1990. As such, these industries may be source categories for which national emission standards may be warranted.

Timetable:

Action	Date	FR Cite
NPRM	12/23/02	67 FR 78274
Final Action	11/00/03	

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

Additional Information: SAN 3343. EPA is required to promulgate standards for all of the source categories listed in accordance with section 112(e) by November 15, 2000.

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RIN: 2060—AE43**3246. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING****Priority:** Other Significant**Legal Authority:** 42 USC 7412 “CAAA 112”**CFR Citation:** 40 CFR 63

Legal Deadline: NPRM, Statutory, November 15, 2000, NPRM, Final, Judicial, August 29, 2003, Final.

Abstract: This regulation will cover organic chemical manufacturing processes not covered by previously promulgated MACT standards including the Hazardous Organic NESHAP (HON). The regulation will control process vents (continuous and batch, including mixing operations), equipment leaks, storage tanks,

wastewater, solvent recovery, and heat exchange systems.

Timetable:

Action	Date	FR Cite
NPRM	04/04/02	67 FR 16154
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 3452.**Sectors Affected:** 325 Chemical Manufacturing

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RIN: 2060—AE82**3247. NESHAP: RECIPROCATING INTERNAL COMBUSTION ENGINE**

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

RIN: 2060—AG63**3248. NESHAP: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS**

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

RIN: 2060—AG69**3249. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS COATING MANUFACTURING****Priority:** Other Significant**Legal Authority:** 42 USC 7412 “CAAA 112”**CFR Citation:** 40 CFR 63

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

EPA—Clean Air Act (CAA)

Final Rule Stage

Abstract: The Miscellaneous Coating Manufacturing NESHAP rulemaking will control air-toxic emissions from processes used in the manufacturing of coatings, such as paint, ink and adhesives, which contain over 5 percent hazardous air pollutants (HAP) by weight. Controls will be based on Maximum Available Control Technology (MACT) provisions of the Clean Air Act, and will cover process vessels, storage tanks, equipment leaks, wastewater, and transfer/loading operations.

Timetable:

Action	Date	FR Cite
NPRM	04/04/02	67 FR 16154
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3452.1. Split from RIN 2060—AE82.

Sectors Affected: 325 Chemical Manufacturing

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RIN: 2060—AK59

3250. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS — EXCLUSION OF 4 COMPOUNDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7407(d)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This is a deregulatory action to exclude four compounds from the list of volatile organic compounds (VOCs) on the basis that these compounds make a negligible contribution to tropospheric ozone formation. These four compounds are:

1,1,1,2,2,3,3—heptafluoro—3—methoxy—propane (n—C₃F₇OCH₃; 3—ethoxy—, 1,1,2,3,4,4,5,5,6,6,6—dodecafluoro—2— (trifluoromethyl) hexane (known as HFE—7500, HFE—s702, T—7145, and L—15381); 1,1,1,2,3,3,3—heptafluoropropane (known as HFC 227ea); and methyl formate (HCOOCH₃). These compounds have potential for use as refrigerants, fire suppressants, aerosol propellants, sterilants, blowing agents (used in the manufacture of foamed plastic), and solvents. This action will remove the necessity to control these four compounds as VOCs in State Implementation Plans for attaining the ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	09/03/03	68 FR 52373
NPRM Comment	10/03/03	
Period End		
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4683.

Sectors Affected: 325 Chemical Manufacturing

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RIN: 2060—AK37

3251. METHODS FOR MEASUREMENT OF VISIBLE EMISSIONS—ADDITION OF METHODS 203A, 203B, AND 203C TO APPENDIX M OF PART 51

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 51

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/22/93	58 FR 61639
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 2915.

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RIN: 2060—AF83

3252. ADDITION OF METHOD 207 TO APPENDIX M OF 40 CFR PART 51 METHOD FOR MEASURING ISOCYANATES IN STATIONARY SOURCE EMISSIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: The Clean Air Act Amendments of 1990 listed certain isocyanate compounds as hazardous air pollutants (HAPs). The Agency does not have any published test methods that would measure air emissions of these isocyanate compounds from stationary sources. This action would add a validated test method to measure isocyanate emissions to appendix M of part 51. Test methods in part 51 can be adopted by any State for use in any regulation that requires the

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measurement of any of the isocyanate compounds on the HAP list. This action would not impose any new regulatory requirements that do not already exist. It should benefit State governments by providing them with a validated test procedure for measuring the emissions of isocyanate compounds.

Timetable:

Action	Date	FR Cite
NPRM	12/08/97	62 FR 64532
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3900.

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RIN: 2060—AG88

3253. INTERSTATE OZONE TRANSPORT: RESPONSE TO COURT DECISIONS ON THE NOX SIP CALL, NOX SIP CALL TECHNICAL AMENDMENTS, AND SECTION 126 RULES

Priority: Other Significant

Legal Authority: 42 USC 7410(a)(2)(D); 42 USC 7410(k)(5)

CFR Citation: 40 CFR 51 (Revision)

Legal Deadline: None

Abstract: On October 27, 1998 (63 FR 57355), EPA issued a rule to reduce smog in the eastern half of the country. The rule required 22 States and the District of Columbia to reduce emissions of nitrogen oxides (NO_x), which reacts with other chemicals in the atmosphere to form smog. EPA required these reductions because pollution from each of these States was transported by the wind and significantly contributed to unhealthy air quality in downwind states. In response to litigation from several

parties on the NO_x SIP call, the U.S. Court of Appeals for the District of Columbia issued a decision on March 3, 2000 making it clear that EPA and States can and should move forward to implement this regional strategy. The ruling remanded certain relatively minor portions of the original rule back to the EPA. This rulemaking covers the portion of the rule associated with the remanded issues: certain cogeneration units, internal combustion engines, the partial State requirements for Georgia and Missouri and the exclusion of Wisconsin. In this rulemaking, EPA will consider the partial State issue for Alabama Michigan and propose SIP submittal dates and compliance dates, as well. The D.C. Circuit Court also remanded, or remanded and vacated, the cogeneration unit issue in decisions on the NO_x SIP Call Technical Amendments, and Section 126 Rule on June 8, 2001 and May 15, 2001, respectively. These remands will also be addressed in this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	02/22/02	67 FR 8395
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN 4433.

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RIN: 2060—AJ16

3254. IMPLEMENTATION RULE FOR 8—HOUR OZONE NAAQS

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

RIN: 2060—AJ99

3255. NSPS: SOCM I — WASTEWATER AND AMENDMENT TO APPENDIX C OF PART 63 AND APPENDIX J OF PART 60

Priority: Other Significant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60, SOCM I Wastewater and app J; 40 CFR 63, app C

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/12/94	59 FR 46780
Supp NPRM 1	10/11/95	60 FR 52889
Supp NPRM 2	12/09/98	63 FR 67988
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3380.

Sectors Affected: 3251 Basic Chemical Manufacturing

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RIN: 2060—AE94

3256. AMENDMENTS TO STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS (40 CFR PART 60, APPENDIX F, PROCEDURE 3)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

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

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

Timetable:

Action	Date	FR Cite
NPRM	10/07/92	57 FR 46114
Supplemental NPRM	05/08/03	68 FR 24692
Final Action	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3958.

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RIN: 2060—AH23

3257. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: VOLATILE ORGANIC LIQUID STORAGE VESSELS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401; 42 USC 7411; 42 USC 7414; 42 USC 7416; 42 USC 7601

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This direct final action revises existing standards for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) by amending the storage vessel volume applicability criteria and adding a vapor pressure applicability criterion. This is a narrow technical amendment responding to new information that came in after the original rule was promulgated.

Timetable:

Action	Date	FR Cite
Proposed Amdt	02/24/03	68 FR 8574
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4508.

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing; 42271 Petroleum Bulk Stations and Terminals

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RIN: 2060—AJ53

3258. ELECTRIC ARC FURNACE NSPS AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60.270 to 60.276a

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Proposed Amdmt	10/16/02	67 FR 64014
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4555.

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RIN: 2060—AJ68

3259. PROPOSED AMENDMENTS TO PERFORMANCE STANDARDS AND MONITORING REQUIREMENTS FOR PARTICULATE MATTER AT STATIONARY SOURCES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

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

Legal Deadline: None

Abstract: This action would repropose some monitoring specifications that were originally included in an OSWER proposal to regulate air emissions from hazardous waste combustors (as explained further below). It revises several standards and requirements related to continuous emission monitoring systems for particulate matter (PM). These include: Specifications and test procedures known as Performance Specification 11 (PS—11), and quality assurance requirements known as Procedure 2. The proposed revisions clarify and update performance standards and monitoring requirements for facilities required to install and use continuous monitoring equipment to measure particulate matter emissions from stacks and ducts. The action does not change any emission standards or add any additional recordkeeping requirements. This action is a supplement to actions by EPA's OSWER that included proposed regulations for hazardous waste combustors. The first action was published in the Federal Register on

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December 30, 1997 (62 FR 67788). Recent OAR field studies have revealed needed revisions to PS—11 and Procedure 2. In view of the significant amount of time that has passed since the last proposal was published (December 30, 1997) and the significant amount of knowledge we have recently gained from our field studies, we believe that a supplemental proposal and another opportunity for the public to comment on PS—11 and Procedure 2 are appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/12/01	66 FR 64176
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4605.

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

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RIN: 2060—AJ88

3260. REVISION OF COMBUSTION TURBINES NSPS —PART 60, SUBPART GG

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 60 (Revision)

Legal Deadline: None

Abstract: The NSPS for Combustion Turbines has not been revised since 1980. Revisions are needed to reduce the burden on EPA and State/local agencies, of approving, on a case by case basis, alternate testing and monitoring protocols due to advances in emission control technologies. The revisions are also intended to bring consistency between the monitoring

and testing requirements in the Combustion Turbines NSPS (Part 60) and the Acid Rain Program (part 75) so that the same data can be used to comply with both regulations.

Timetable:

Action	Date	FR Cite
Direct Final Rule	04/14/03	68 FR 18003
Direct Final Rule Withdrawn	05/28/03	68 FR 31611
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN 4681.

Sectors Affected: 211111 Crude Petroleum and Natural Gas Extraction; 2211 Electric Power Generation, Transmission and Distribution; 211112 Natural Gas Liquid Extraction; 221 Utilities

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RIN: 2060—AK35

3261. NESHAP: MERCURY CELL CHLOR—ALKALI PLANTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, August 29, 2003, Final.

Abstract: Section 112(c)(6) of the Clean Air Act requires us to list categories of sources for seven specific pollutants (including mercury) assuring that sources accounting for not less than 90 percent of the aggregate emissions of each pollutant are subject to standards pursuant to section 112(d)(2). Chlor—alkali plants are among the source categories listed to achieve the 90 percent goal for mercury. Currently, the source category includes 11 plants

located in 10 states engaged in the production of chlorine and caustic using mercury cells. Together, these plants account for 45 percent of the nationwide mercury inventory for non—combustion sources.

Timetable:

Action	Date	FR Cite
NPRM	07/03/02	67 FR 44672
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3449.

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RIN: 2060—AE85

3262. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS

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

RIN: 2060—AG52

3263. NESHAP: MISCELLANEOUS METAL PARTS AND PRODUCTS (SURFACE COATING)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Statutory, November 15, 2000, NPRM, Final, Judicial, August 29, 2003, Final.

Abstract: This regulation will control emissions of hazardous air pollutants (HAPs) from operations that apply surface coatings to metal parts and products. Although this rule would cover a wide variety of coating operations, it would not apply to specific coating operations for which regulations have been developed (e.g., plastic parts coating, can coating, large

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appliance coating, etc.). This regulation is required under section 112 of the Clean Air Act of 1990.

Timetable:

Action	Date	FR Cite
NPRM	08/13/02	67 FR 52780
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State

Additional Information: SAN 3825.

Sectors Affected: 331316 Aluminum Extruded Product Manufacturing; 331221 Cold-Rolled Steel Shape Manufacturing; 33312 Construction Machinery Manufacturing; 332312 Fabricated Structural Metal Manufacturing; 33612 Heavy Duty Truck Manufacturing; 331511 Iron Foundries; 331111 Iron and Steel Mills; 33121 Iron and Steel Pipes and Tubes Manufacturing from Purchased Steel; 335312 Motor and Generator Manufacturing; 331319 Other Aluminum Rolling and Drawing; 332311 Prefabricated Metal Building and Component Manufacturing; 326291 Rubber Product Manufacturing for Mechanical Use; 336212 Truck Trailer Manufacturing

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RIN: 2060—AG56

3264. PLASTIC PARTS AND PRODUCTS (SURFACE COATING) NESHAP

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 2000, Final.
Final, Judicial, August 29, 2003, Final.

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

Timetable:

Action	Date	FR Cite
NPRM	12/04/02	67 FR 72276
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3826.

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

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RIN: 2060—AG57

3265. NESHAP: LIME MANUFACTURING

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 2000, Final.
Final, Judicial, August 29, 2003, Final.

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

Timetable:

Action	Date	FR Cite
NPRM	12/20/02	67 FR 78046
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3651.

Sectors Affected: 32741 Lime Manufacturing

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RIN: 2060—AG72

3266. NESHAP: SURFACE COATING OF METAL CANS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 2000, Final.
Final, Judicial, August 29, 2003, Final.

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

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Timetable:

Action	Date	FR Cite
NPRM	01/15/03	68 FR 2110
Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 3906.

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

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RIN: 2060—AG96**3267. NESHAP: SURFACE COATING OF AUTOMOBILES AND LIGHT—DUTY TRUCKS**

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

RIN: 2060—AG99**3268. NESHAP: PRIMARY MAGNESIUM REFINING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 2000, Final. Final, Judicial, August 29, 2003, Final.

Abstract: Section 112 of the Clean Air Act (Act), as amended November 1990, requires the EPA to regulate categories of major and area sources of hazardous air pollutants (HAPs) listed in section 112(b). The EPA has determined that sources that manufacture primary magnesium may reasonably be anticipated to emit several of the 189

HAPs listed (including chlorine and hydrochloric acid) in quantities sufficient to designate them as a major source. As a consequence, primary magnesium refining is among the HAP emitting source categories selected for regulation and is in the group of categories for which final rules are scheduled to be promulgated by November 15, 2000 (58 FR 63941, December 3, 1993).

Timetable:

Action	Date	FR Cite
NPRM	01/22/03	68 FR 2970
Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN 3924.

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RIN: 2060—AH03**3269. NESHAP: SITE REMEDIATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 2000, Final. Final, Judicial, August 29, 2003, Final.

Abstract: This rule regulates HAP emissions from clean up of contaminated media and waste material at industrial sites. Superfund, RCRA corrective action, gasoline stations, farms and residential sites are exempt from rule requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/30/02	67 FR 49398
Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** SAN 3968.

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RIN: 2060—AH12**3270. NESHAP: ORGANIC LIQUIDS DISTRIBUTION (NON—GASOLINE)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63

Legal Deadline: NPRM, Statutory, November 15, 2000, NPRM. Final, Judicial, August 29, 2003, Final.

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

Timetable:

Action	Date	FR Cite
NPRM	04/02/02	67 FR 15674
Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 3971.

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RIN: 2060—AH41

3271. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/05/02	67 FR 38810
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4115.

Sectors Affected: 332813

Electroplating, Plating, Polishing, Anodizing and Coloring

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RIN: 2060—AH69

3272. NESHAP: ASPHALT/COAL TAR APPLICATION ON METAL PIPES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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

Abstract: The Clean Air Act (CAA), as amended in 1990, requires the EPA to: (1) Publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in section 112(b) of the CAA; (2) promulgate a schedule establishing a date for the promulgation of emission standards for each of the listed categories of HAPs emission sources; and (3) develop emission standards for each source of HAPs. These standards are to be technology—based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the application of asphalt or coal tar to metal pipes may reasonably be anticipated to emit several of the 189 HAPs listed in section 112(b) of the CAA. As a consequence, a regulatory development program is being pursued for the asphalt/coal tar application on metal pipes industry to promulgate emission standards.

Timetable:

Action	Date	FR Cite
NPRM	08/13/02	67 FR 52780
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4107. This action will be covered under

Miscellaneous Metal Parts and Products, SAN 3825, RIN 2060—AG56.

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

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RIN: 2060—AH78

3273. NESHAP: TACONITE IRON ORE PROCESSING INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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

Final, Judicial, August 29, 2003, Final.

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

Timetable:

Action	Date	FR Cite
NPRM	12/18/02	67 FR 77562
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN 4380. There are eight taconite processing

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facilities in the U.S.; six are located in Minnesota and two are located in Michigan. The MACT standard for this industry group will be shared between EPA and the State of Minnesota. State regulations currently in place include both air emissions limitations and prohibition of effluent discharge to Great Lakes waters, and both air and water monitoring requirements. Other existing Federal regulations may be affected under RCRA and TSCA.

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RIN: 2060—AJ02

3274. CLARIFICATION TO EXISTING PART 63 NESHAP DELEGATIONS' PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR Part 63

Legal Deadline: None

Abstract: 40 CFR part 63 contains OAR's air—toxics emissions regulations, often referred to as MACT rules or NESHAPS. We are revising some part 63 standards to reflect changes in delegation provisions. We are also revising some sections in the part 63 regulations to clarify what are standards and what are compliance assurance measures. The benefits of the changes will include clarifying what authorities in each standard can be delegated to State and local air pollution control agencies and meshing the standards with revisions previously made to other part 63 regulations.

Timetable:

Action	Date	FR Cite
Proposed Amdt	01/16/02	67 FR 2286
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4426.

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RIN: 2060—AJ26

3275. NESHAP: GASOLINE DISTRIBUTION FACILITIES — AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63 subpart R

Legal Deadline: None

Abstract: On December 14, 1994, EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for Gasoline Distribution Facilities (59 FR 64318). These standards are codified at 40 CFR part 63, subpart R. This action will amend that rule by adding a DOT test method as an alternative for measuring emissions from railcars. This method came to EPA's attention subsequent to promulgation of the original rule.

Timetable:

Action	Date	FR Cite
NPRM	09/20/02	67 FR 59434
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4479.

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RIN: 2060—AJ42

3276. BENZENE WASTE OPERATIONS NESHAP; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: This amendment will add a compliance option for tanks, making the Benzene Waste Operations NESHAP consistent with the RCRA CC rules. Hazardous waste treatment facilities have requested these amendments because they must comply with both rules. There is no emission reduction as a result of this action. However, facilities may save money. We expect no negative impacts on small businesses and State/local/tribal governments. Industry and government support this change.

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/12/02	67 FR 68526
Direct Final Rule Withdrawn	02/06/03	68 FR 6082
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4591.

Sectors Affected: 32411 Petroleum Refineries; 325 Chemical Manufacturing; 3311 Iron and Steel Mills and Ferroalloy Manufacturing; 562211 Hazardous Waste Treatment and Disposal

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RIN: 2060—AJ87

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3277. NESHAP: CHLORINE PRODUCTION**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000, Final. Final, Judicial, August 29, 2003, Final.

Abstract: This action announces our decision not to issue regulations for the Chlorine Production source category. The source category is composed of nearly 50 facilities that produce chlorine using several different methods. We have determined that 21 of these facilities are major sources, including 20 chlor—alkali plants that produce chlorine and caustic as co—products through the electrolysis of brine, and one primary magnesium refining facility that produces chlorine as a by—product of magnesium metal production. Primary magnesium refining is a separately listed source category and, as such, the one refiner will be addressed in a separate rulemaking. None of the 20 chlor—alkali plants are in and of themselves major sources. All are well—controlled and emit negligible amounts of chlorine and, in some cases, additional negligible amounts of hydrochloric acid. These sources are major only due to collocation. That is, they are part of larger establishments that are major sources. These larger establishments include organic chemical manufacturers, polymer and resin producers, and pulp and paper mills, all of which are already subject to one or more NESHAP. Section 112(d)(4) gives us the discretion to consider risk in issuing MACT standards for pollutants for which a health threshold has been established, provided that the public health is protected with an ample margin of safety. Chlorine and HC1 are both threshold pollutants for which we have defined threshold values in the form of Inhalation Reference Concentrations (RfCs). We have modeled chlorine and HC1 emissions from each of the 20 chlor—alkali plants and have determined that none of the plants emit chlorine or HC1 in quantities that result in human exposures in the ambient air at levels approaching the threshold values. Therefore, we conclude that no further control or regulation is necessary. NOTE: Three of the 20 chlor—alkali plants operate mercury cells. We are addressing mercury emissions from

mercury cell chlor—alkali plants in a separate proposal, which is currently under development. To facilitate comment, we plan to publish both the mercury cell proposal and this action on chlorine production in the same issue of the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	07/03/02	67 FR 44713
Final Action	11/00/03	

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

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RIN: 2060—AK38**3278. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 “CAA 112”**CFR Citation:** 40 CFR 63**Legal Deadline:** None

Abstract: This action proposes to amend the Hazardous Organic NESHAP to allow vapor balancing as a control option for storage vessels.

Timetable:

Action	Date	FR Cite
Direct Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4712.

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RIN: 2060—AK49**3279. NESHAP FOR PRIMARY ALUMINUM REDUCTION PLANTS; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR Part 63**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	03/17/03	68 FR 12645
Final Action	11/00/03	

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

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 RIN: 2060—AK50

3280. NESHAP FOR PETROLEUM REFINERIES: CATALYTIC CRACKING UNITS, CATALYTIC REFORMING UNITS, AND SULFUR RECOVERY UNITS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The NESHAP for Petroleum Refineries is an existing rulemaking (40 CFR Part 63, Subpart CC) to control hazardous air pollutant emissions from equipment in the petroleum refining industry. This rulemaking will amend the Petroleum Refinery NESHAP to incorporate additional compliance options for catalytic reforming units at refineries. Clarifying language and missing tables will also be added. This action will not increase costs or change the emission reductions expected for this rule.

Timetable:

Action	Date	FR Cite
Direct Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4714.

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RIN: 2060—AK51

3281. NESHAP FOR SOURCE CATEGORIES: 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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Proposed Amdt	05/15/03	68 FR 26249
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4719.

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RIN: 2060—AK54

3282. NESHAP: ETHYLENE PROCESSES; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63 subparts XX and YY

Legal Deadline: None

Abstract: The Ethylene Production NESHAP was promulgated on Friday, July 12, 2002 (67 FR 46258) without petition for judicial review. However, we did receive a letter from the affected industry association requesting that we consider certain technical corrections. Following review of this request, we believe some changes to the final rule are necessary for clarity and consistency. This correction requires an action in the form of a direct final rule which will contain rule changes, technical amendments and clarifications.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4763.

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RIN: 2060—AK80

3283. RULEMAKING ON SECTION 126 PETITIONS FROM NEW YORK AND CONNECTICUT REGARDING SOURCES IN MICHIGAN; REVISION OF DEFINITION OF APPLICABLE REQUIREMENT FOR TITLE V OPERATING PERMIT PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7426

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

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Legal Deadline: None

Abstract: The EPA is proposing to revise the section 126 Rule in light of the March 3, 2000 court decision on the NOx SIP Call. The court vacated, and remanded to EPA for further consideration, the inclusion of Georgia and Missouri in the NOx SIP Call in light of the Ozone Transport Assessment Group conclusions that emissions from coarse grid portions of States did not merit controls. The reasoning of the Court regarding the significance of NOx emissions from sources in Georgia and Missouri calls into question the inclusion of the coarse grid portion of Michigan in the NOx SIP Call. In a separate proposal, EPA is proposing to withdraw the NOx SIP Call requirements for the Michigan coarse grid area. The section 126 Rule is based on many of the same analyses and information used for the NOx SIP call and covers part of Michigan. Thus, EPA is proposing to withdraw its section 126 findings and control requirements with respect to sources located in the small part of the coarse grid portion of Michigan that is currently covered by the section 126 Rule. The EPA has not identified any existing section 126 sources that would be affected by the proposal, however this proposal would eliminate findings and control requirements for new sources locating in the coarse grid. This proposal does not create any new requirements, thus there are no associated costs. The EPA is also proposing to revise the definition "applicable requirement" for title V operating permit programs by providing expressly that any standard or other requirement under section 126 is an applicable requirement and must be included in operating permits issued under title V of the CAA.

Timetable:

Action	Date	FR Cite
NPRM	02/22/02	67 FR 8386
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4464. Split from RIN 2060—AH88.

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

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RIN: 2060—AJ36

3284. SECTION 126 RULE WITHDRAWAL PROVISION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7426

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: EPA is proposing to revise one narrow aspect of the section 126 rule, which was promulgated January 18, 2000. The rule requires certain sources located in the eastern United States to reduce their NOx emissions for purposes of reducing ozone transport. EPA coordinated the section 126 rule with a related ozone transport rule, known as the NOx State implementation plan call (NOx SIP Call), which also addresses ozone transport in the eastern United States. The EPA established the same compliance date for both rules, May 1, 2003. The EPA included a provision in the section 126 rule which provided that where a State adopted, and EPA approved, a SIP controlling transport under the NOx SIP Call, and with a May 1, 2003 compliance date, EPA would withdraw the section 126 requirements for sources in that State. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the section 126 Rule and the NOx SIP Call have both been delayed until May 31, 2004. In addition, the NOx SIP Call has been divided into two phases. Therefore, it is necessary to revise the section 126 rule withdrawal provision so that it will continue to operate under these new circumstances.

Timetable:

Action	Date	FR Cite
NPRM	04/04/03	68 FR 16644
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4689.

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RIN: 2060—AK41

3285. FEDERAL PLAN REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE NOVEMBER 30, 1999

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7429

CFR Citation: 40 CFR 62

Legal Deadline: None

Abstract: The Clean Air Act Amendments of 1990 directed the Environmental Protection Agency (EPA) to set emission guidelines for existing incinerators combusting commercial or industrial waste under sections 111 and 129. Final emission guidelines for Commercial and Industrial Solid Waste Incineration (CISWI) were published on December 1, 2000 (see 65 FR 75338). In accordance with section 129, any State with affected sources must submit a State plan by December 1, 2001 describing how the State will implement the emission guidelines for existing CISWI. Section 129 requires the Administrator to develop and implement a Federal plan for existing CISWI units located in any State which has not submitted an approvable plan within 2 years of promulgation of the emissions guidelines. In this CISWI Federal plan rulemaking, EPA becomes the implementing authority in those instances where the State has failed to submit a plan or a plan has not yet been approved. Therefore, consistent with section 129(b)(3) of the Act, EPA is proposing a plan that applies to CISWI in any State that has not

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submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the rule, and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal plan as a gap—filling measure until the State fulfills its statutory obligations. When the State submits an approvable State plan, the Federal plan will no longer apply to units in that State.

Timetable:

Action	Date	FR Cite
NPRM	11/25/02	67 FR 70640
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4441.

Sectors Affected: 325 Chemical Manufacturing; 321 Wood Product Manufacturing

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RIN: 2060—AJ28

3286. TRANSPORTATION CONFORMITY AMENDMENTS: RESPONSE TO MARCH 2, 1999, COURT DECISION

Priority: Other Significant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 93

Legal Deadline: None

Abstract: The Clean Air Act requires EPA to promulgate rules that establish the criteria and procedures for determining whether highway and transit plans, programs, and projects conform to state air quality plans. Conformity means that the transportation actions will not cause or worsen violations of air quality standards or delay timely attainment of the standards. The original conformity rule was finalized on November 24, 1993, and most recently amended on August 15, 1997. On March 2, 1999, the U.S. Court of Appeals overturned certain provisions of the 1997 conformity amendments. This

rulemaking will amend the conformity rule in compliance with the court decision. The rulemaking will formalize the May 14, 1999 EPA guidance and the June 18, 1999 DOT guidance that was issued to guide action on this issue until a rulemaking could be issued. Specifically, the rulemaking will clarify the types of projects that can be implemented in the absence of a conforming transportation plan. It will also explain EPA's process for reviewing newly submitted air quality plans and when those submissions can be used for conformity purposes.

Timetable:

Action	Date	FR Cite
Proposed Amdt	06/30/03	68 FR 3904
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN 4340.

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RIN: 2060—AI56

3287. EXPANDED DEFINITIONS FOR ALTERNATIVE—FUELED VEHICLES AND ENGINES MEETING LOW—EMISSION VEHICLE EXHAUST EMISSION STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2001; 15 USC 2002; 15 USC 2003; 15 USC 2005; 15 USC 2006; 15 USC 213; 42 USC 7521; 42 USC 7522; 42 USC 7524; 42 USC 7525; 42 USC 7541; 42 USC 7542; 42 USC 7549; 42 USC 7550; 42 USC 7552

CFR Citation: 40 CFR 86; 40 CFR 88

Legal Deadline: None

Abstract: This action will ease the burden of certification for both original equipment manufacturers (OEMs) and after—market conversion entities. This action will, for vehicles and engines meeting LEV emission standards, broaden the definition of the term dedicated fuel system, broaden the criteria for engine families, and provide an exemption from certification fees.

This action is not a deregulatory action. This action will provide another means for small business to remain active entities in supplying alternatively fueled vehicles to the market place. The above three changes are intended to reduce the cost of complying with the requirements of certification, and small business will benefit from these changes. This action will enhance the ability for the regulated industry to provide alternatively fueled vehicles to the consumer in support of the Executive Order 13031.

Timetable:

Action	Date	FR Cite
NPRM	07/20/98	63 FR 38767
Notice	05/14/99	64 FR 26410
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4030.

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RIN: 2060—AH52

3288. 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

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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	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4604.

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RIN: 2060—AJ82

3289. CONTROL OF EMISSIONS FROM HIGHWAY MOTORCYCLES

Priority: Other Significant

Legal Authority: 42 USC 7401 to 7671(q)

CFR Citation: 40 CFR 94

Legal Deadline: None

Abstract: EPA is finalizing actions to reduce emissions from highway motorcycles, which currently are subject to existing emission standards that were put in place over 20 years ago. Emissions control technologies have advanced significantly since that time, and EPA believes it is appropriate to put in place more stringent standards for hydrocarbon and nitrogen oxide emissions that reflect this progress. The final standards are consistent with standards California has recently promulgated, thereby creating the

opportunity to industry to produce and market products nationwide. EPA proposed new emission standards for highway motorcycles on August 14, 2002 (67 FR 53050), in a proposal that also included a proposal for evaporative emission standards for marine vessels that use spark—ignition engines. The final rule now involves only new emission standards for highway motorcycles.

Timetable:

Action	Date	FR Cite
NPRM	08/14/02	67 FR 53050
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

Additional Information: SAN 4626. Split from RIN 2060—AI11.

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

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RIN: 2060—AJ90

3290. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NONROAD DIESEL ENGINES AND FUEL

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

RIN: 2060—AK27

3291. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS

Priority: Substantive, Nonsignificant

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

7522 “CAA 203”; 42 USC 7550 “CAA 216”; 42 USC 7601 “CAA 301”

CFR Citation: 40 CFR 85

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 2665.

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RIN: 2060—AI03

3292. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE—DEPLETING SUBSTANCES: N—PROPYL BROMIDE

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This rule proposes to add n—propylbromide (nPB) to the list of

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4599.

Split from RIN 2060—AJ58. The previous ANPRM was under SAN No. 3525.

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

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RIN: 2060—AK26

3293. PROTECTION OF STRATOSPHERIC OZONE: BAN ON TRADE OF METHYL BROMIDE TO NONPARTIES TO THE MONTREAL PROTOCOL

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This action will prohibit the import and export of methyl bromide (class I, Group VI controlled substance) from or to a foreign state that is not a party to the 1992 Copenhagen Amendments to the Montreal Protocol. The rule is being published in accordance with the Montreal Protocol and the Clean Air Act.

Timetable:

Action	Date	FR Cite
Direct Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4756.

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RIN: 2060—AK67

3294. PROTECTION OF STRATOSPHERIC OZONE: REFRIGERANT RECYCLING; SUBSTITUTE REFRIGERANTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq; 42 USC 7671(g) “CAA 608”

CFR Citation: 40 CFR 82(F)

Legal Deadline: None

Abstract: EPA is amending the rule on refrigerant recycling, promulgated under section 608 of the Clean Air Act to clarify how the statutory venting prohibition of the act applies to refrigerants that are used as substitutes for CFC and HCFC ozone—depleting refrigerants. It also exempts certain substitute refrigerants from the prohibition on the basis of current evidence that their release does not pose a threat to the environment. In addition, EPA is extending the refrigerant sales restriction to substitute refrigerants that consist of an ozone—depleting substance.

Timetable:

Action	Date	FR Cite
NPRM	06/11/98	63 FR 32044
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3560.

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RIN: 2060—AF37

3295. FEDERAL IMPLEMENTATION PLANS FOR INDIAN RESERVATIONS IN IDAHO, OREGON, AND WASHINGTON

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: None

Abstract: This Federal Implementation Plan (FIP) proposes basic air rules to apply on Indian Reservations in Idaho, Oregon, and Washington. The rules provide some basic air quality protection similar to what the State implementation plans (SIPs) require for Idaho, Oregon, and Washington. These

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rules are needed to establish a level playing field and create basic federally enforceable rules under the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM	03/15/02	67 FR 11748
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Tribal

Federalism: Undetermined

Additional Information: SAN 4487. EPA Region 10 would be responsible for implementing and enforcing these proposed rules. Tribes can choose to assist EPA or take over responsibility for their reservations, and EPA would provide funding to tribes through grants to support their efforts.

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RIN: 2012—AA01

3296. REVISION TO THE DEFINITION OF VOLATILE ORGANIC COMPOUND (VOC) TO EXCLUDE TERTIARY BUTYL ACETATE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51.100(s)

Legal Deadline: None

Abstract: The definition of VOC is proposed to be revised to add tertiary butyl acetate to the list of negligibly reactive compounds. This is a deregulatory action that will remove tertiary butyl acetate from the necessity to be controlled as a VOC in SIPs for attaining the ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	09/30/99	64 FR 52731
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4254.

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RIN: 2060—A145

3297. RESCINDING FINDING THAT PREEXISTING PM10 STANDARDS NO LONGER APPLICABLE IN NORTHERN ADA COUNTY/BOISE, IDAHO

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 50.6(d); 40 CFR 52.676; 40 CFR 81.313

Legal Deadline: None

Abstract: The EPA had previously taken action to revoke the PM—10 national ambient air quality standards (NAAQS) for the Boise/Ada County area in anticipation that a revised PM—10 NAAQS would soon be in place. However, the DC Circuit court subsequently vacated the revised PM—10 NAAQS, the effectiveness of which served as the underlying basis for EPA's decision to revoke the preexisting PM—10 NAAQS. Therefore, in order to protect public health in the Boise/Ada County area, EPA is proposing to reinstate the pre—existing PM—10 NAAQS. Without this action there would be no Federal PM—10 NAAQS applicable to this area. This action is tentatively subject to the terms of a settlement agreement that was signed by all parties in January 2001. A Federal Register notice of the proposed settlement requesting public comment was published January 30, 2001 in accordance with section 113(g)

of the Act. No negative comments were received. EPA/DOJ signed the settlement agreement and the State is in the process of carrying out its obligations under the settlement agreement. The State submitted its maintenance plan for Boise on 9/27/2002. Under the settlement, EPA agreed to take final action on the State's submittal by 9/30/2003. On July 30, 2003 a Federal Register notice was published proposing to rescind the finding that the 1987 PM10 NAAQS are not applicable in the Ada County/Boise, Idaho area, and simultaneously, to approve a PM10 SIP maintenance plan for the Ada County/Boise Idaho area and to redesignate the area from nonattainment to attainment. There will be a 30—day comment period. Written comments must be received on or before August 29, 2003. Under the settlement agreement, we must sign and forward to the Federal Register office our final action by September 30, 2003.

Timetable:

Action	Date	FR Cite
NPRM 1	06/26/00	65 FR 39321
Notice	07/26/00	65 FR 45953
NPRM	07/30/03	68 FR 44715
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAN 4391.

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RIN: 2060—AJ05

3298. COMPILATION OF SOURCE—SPECIFIC ALTERNATIVE METHODS BEING APPROVED FOR SOURCE—CATEGORY WIDE APPLICATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

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CFR Citation: 00 CFR NYD

Legal Deadline: None

Abstract: Sources have applied for approval of alternative test methods for use at their facility. The Agency has approved these methods and issued letters of approval to each requestor. The Agency has determined that these methods could be used at similar sources, thus giving those sources an alternative test method to the one cited in the regulation. This action seeks to publish these facility—specific approvals in order to provide other facilities within the source category the option of using the alternative method.

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4548.

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RIN: 2060—AJ84

3299. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES: DEFAULT BASELINE REVISION AND MINOR CORRECTIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 80

Legal Deadline: Final, Statutory, October 31, 2001, Final.

Abstract: The final rule, Control of Emissions of Hazardous Air Pollutants From Mobile Sources (66 FR 17230, 3/29/01), directed EPA to revise the default toxics baselines in the rule to include year 2000 data when it becomes available. When revised, the default toxics baseline values will be

the average toxics values for gasoline over the period 1998—2000. This data is now available, and this rule will promulgate those revised baseline values, and also incorporate several minor technical corrections to the existing rule.

Timetable:

Action	Date	FR Cite
Direct Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4621.

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RIN: 2060—AJ97

3300. REGULATION OF FUEL AND FUEL ADDITIVES: EXTENSION OF CALIFORNIA ENFORCEMENT EXEMPTIONS FOR REFORMULATED GASOLINE TO CALIFORNIA PHASE 3 GASOLINE

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 80.81

Legal Deadline: None

Abstract: EPA is proposing to exempt refiners, importers, and blenders of gasoline subject to the State of California's reformulated gasoline regulations from certain enforcement provisions in the federal reformulated (RFG) regulations. Certain exemptions under the federal RFG program already apply to California Phase 2 gasoline, but additional exemptions are necessary to cover Phase 3 gasoline.

Timetable:

Action	Date	FR Cite
Direct Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4634.

Sectors Affected: 32411 Petroleum Refineries; 32511 Petrochemical Manufacturing

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RIN: 2060—AK04

3301. REVISIONS TO CLARIFY THE SCOPE OF THE SUFFICIENCY MONITORING REQUIREMENTS FOR FEDERAL AND STATE OPERATING PERMITS PROGRAMS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: None

Abstract: The purpose of these rulemakings is to clarify that under 40 CFR 70.6(c)(1) and 71.6(c)(1), all title V permits must contain monitoring sufficient to assure compliance with the permits' terms and conditions, as required under sections 504(a), 504 (b), 504(c) and 114(a)(3) of the Clean Air Act, where section 70.6(a)(3)(i)(B) or section 71.6(a)(3) is not applicable. Specifically, these rulemakings are limited to the suspension and removal of the prefatory phrase “(c)onsistent with paragraph (a)(3) of this section“ from the sufficiency monitoring requirement in section 70.6(c)(1) and section 71.6(c)(1). The suspension and removal will codify the Administrator's interpretation of the title V monitoring requirements as set forth in two adjudicatory orders issued in 2000 in response to petitions to object to title V permits (the Pacificorp and Fort James orders) and will be consistent

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with two prior decisions of the U.S. Court of Appeals for the District of Columbia Circuit concerning the title V monitoring requirements. We are undertaking these rulemakings consistent with the defense of pending litigation, *Utility Air Regulatory Group v. EPA*, No. 01—1204 (D.C. Cir.). In this litigation, the Utility Air Regulatory Group (UARG) has asserted, in part, that EPA's interpretation of section 70.6(c)(1) and section 71.6(c)(1) as stated in the *Pacificorp* and *Fort James* orders is overbroad because the prefatory language in these sufficiency monitoring regulations (i.e., consistent with paragraph (a)(3)) limits their scope to that of the periodic monitoring provisions at section 70.6(a)(3) and section 71.6(a)(3). While EPA disagrees with UARG's assertions, EPA believes that further clarification through rulemaking would be useful. The EPA believes that suspension and removal of the prefatory language will de-link the sufficiency monitoring requirement from the separate periodic monitoring requirement, and thus, make more clear the distinction between the two requirements. Specifically, this rulemaking will clarify that where an applicable requirement does not require any periodic testing or monitoring, permit conditions are required to establish "periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit" under section 70.6(a)(3)(i)(B) or section 71.6(a)(3). Where the applicable requirement already requires "periodic" testing or monitoring but that monitoring is not sufficient to assure compliance, the separate regulatory standard at section 70.6(c)(1) or section 71.6(c)(1) applies instead to require monitoring "sufficient to assure compliance." These rulemakings do not address any other issues related to Title V monitoring, such as the type of monitoring required under the periodic or sufficiency monitoring provisions. The EPA expects to consider comments on these other monitoring issues during a separate, future notice—and—comment rulemaking. The rulemakings simply clarify existing requirements, rather than impose new requirements. Any future rulemaking actions on the scope of sufficiency monitoring will be subject to OMB review because the related proposal was found to be a "significant regulatory action" under

Executive Order 12866 due to "novel legal or policy issues." In addition, all such rulemaking actions have been found not to be economically significant, and they will not result in additional costs to State, local, or tribal governments, or to the private sector.

Timetable:

Action	Date	FR Cite
NPRM	09/17/02	67 FR 58561
Interim Final Action	09/17/02	67 FR 58529
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4699.

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RIN: 2060—AK29

3302. WASTE ISOLATION PILOT PLANT (WIPP) FY 2001 REPORT TO CONGRESS

Priority: Info./Admin./Other

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

CFR Citation: 40 CFR 194

Legal Deadline: None

Abstract: This Report to Congress is required by section 23(a)(2) of the WIPP Land Withdrawal Act, which requires EPA to submit an annual report to Congress "on the status of and resources required for the fulfillment of the Administrator's responsibilities under the Act" regarding the Waste Isolation Pilot Plant (WIPP). This report summarizes the activities and progress EPA has made in fulfilling its responsibilities under the Act and outlines the resources required for the Agency to meet its commitments. The WIPP is an underground repository for the permanent disposal of radioactive waste generated as byproducts from nuclear weapons production. It was

constructed by the Department of Energy (DOE) and is located near Carlsbad, New Mexico. In 1998, EPA certified that the WIPP complies with EPA's radioactive waste disposal standards at subpart B and C of 40 CFR 191 and EPA's WIPP compliance criteria at 40 CFR 194, and thus is safe to contain radioactive waste. Since that time, the DOE has begun emplacing waste in the WIPP. The waste is stored approximately 2,100 feet underground in excavated, natural salt formations. EPA also has responsibility for assuring continual compliance with EPA's radioactive waste disposal standards. EPA continues to have an oversight role at the WIPP to ensure that it continues to protect human health and the environment. This Report summarizes EPA's activities past and present.

Timetable:

Action	Date	FR Cite
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: SAN 4686.

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RIN: 2060—AK39

3303. 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	11/00/03	

Regulatory Flexibility Analysis

Required: No

EPA—Clean Air Act (CAA)

Final Rule Stage

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4722.

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RIN: 2060—AK56

3304. AMENDMENTS TO THE REQUIREMENTS ON VARIABILITY IN THE COMPOSITION OF ADDITIVES CERTIFIED UNDER THE GASOLINE DEPOSIT CONTROL PROGRAM

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 80

Legal Deadline: Other, Statutory, May 30, 2001, Other.

Abstract: A direct final rule and parallel notice of proposed rulemaking were published on November 5, 2001, in response to a settlement agreement reached with the American Chemical Council (ACC) regarding their litigation on the Gasoline Deposit Control Additive Rule. This litigation pertained to the information that manufacturers must provide on additive composition at the time of certification. Adverse comments were received on two of the four amendments. A partial withdrawal notice was published on January 24, 2002, which withdrew the amendments on which we received adverse comments. In this action, we plan to finalize the provisions that were withdrawn. The provisions we plan to finalize are based on an ACC consensus position, which reduces the burden on manufacturers in demonstrating compliance with limits on the compositional variability of the deposit control additives, while maintaining the emissions control benefits of the gasoline deposit control program.

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/05/01	66 FR 55885
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Sectors Affected: 325998 All Other Miscellaneous Chemical Product Manufacturing

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RIN: 2060—AK62

3305. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES; ADDENDUM TO SECOND AMENDMENT TO THE TIER 2/GASOLINE SULFUR REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7545; 42 USC 7601(a); 42 USC 7401 to 7521(l); 42 USC 7521(m) to 7671q

CFR Citation: 40 CFR 80; 40 CFR 86

Legal Deadline: None

Abstract: On June 12, 2002, EPA promulgated a direct final rule (SAN 4569, 67 FR 40169) that corrected, amended, and revised certain provisions of the Tier 2/Gasoline Sulfur regulations to assist regulated entities with program implementation and compliance. At that time, EPA also published a concurrent proposed rule to be used in case the direct final rule received adverse comment. Such adverse comment was received, and a

portion of that June 12 rule had to be withdrawn. This action will respond to that adverse comment and address the aforementioned withdrawn material.

Timetable:

Action	Date	FR Cite
Direct Final Rule	06/12/02	67 FR 40169
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4569.1. Split from RIN 2060—AJ71.

Sectors Affected: 336111 Automobile Manufacturing; 336112 Light Truck and Utility Vehicle Manufacturing

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RIN: 2060—AK63

3306. 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	11/00/03	

EPA—Clean Air Act (CAA)

Final Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4706.**Agency Contact:** Christine Brunner, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave. NW., Ann Arbor, MI 48105

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RIN: 2060—AK69**3307. REGULATION OF FUELS AND FUEL ADDITIVES: MODIFICATIONS TO STANDARDS AND REQUIREMENTS FOR REFORMULATED AND CONVENTIONAL GASOLINE INCLUDING BUTANE BLENDERS AND ATTEST ENGAGEMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7454(c); 42 USC 7454(k); 42 USC 7601**CFR Citation:** 40 CFR 80**Legal Deadline:** None

Abstract: Through the Clean Air Act Amendments of 1990, Congress mandated that EPA promulgate regulations for reformulated and conventional gasoline. The purpose of this mandate was to reduce vehicle emissions of toxic and ozone-forming compounds. EPA published the regulations on February 16, 1994. On July 11, 1997, EPA published a proposed rule that included various minor adjustments to the 1994 rule. The emissions benefits achieved from the reformulated gasoline and conventional gasoline programs would not be reduced by the proposed changes. On December 31, 1997, EPA finalized many of the proposed changes. This rule would finalize the remaining changes that were not included in the December 31, 1997 final rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/97	62 FR 37338

Action	Date	FR Cite
Final Partial	12/31/97	62 FR 68196
Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 4758.**Sectors Affected:** 32411 Petroleum Refineries; 42271 Petroleum Bulk Stations and Terminals**Agency Contact:** Marilyn Bennett, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460

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RIN: 2060—AK77**3308. ● PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; CERTIFICATION OF RECOVERY AND RECOVERY/RECYCLING EQUIPMENT INTENDED FOR USE WITH SUBSTITUTE REFRIGERANTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 7401 et seq; 42 USC 7671(g) “CAA 608”**CFR Citation:** 40 CFR 82(F)**Legal Deadline:** None

Abstract: EPA is amending the rule on refrigerant recycling equipment intended for use with Substitute Refrigerants: EPA is amending the rule on refrigerant recycling, promulgated under section 608 of the Clean Air Act, to clarify how the requirements of 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	06/11/98	63 FR 32044
Final Action	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 3560.1. Split from RIN 2060—AF37.**Agency Contact:** Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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RIN: 2060—AL77**3309. ● REVISIONS TO FEDERAL OPERATING PERMITS PROGRAM FEE PAYMENT DEADLINES FOR CALIFORNIA AGRICULTURAL SOURCES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 42 CFR 71.9(f)**Legal Deadline:** None

Abstract: The EPA is taking final action to amend the Federal Operating Permits Program to extend the date by which state—exempt major agricultural sources in California must pay fees and to allow their permit applications to be considered complete even though fees will not be paid at the time the applications are due. This action allows EPA to process the applications and issue permits while the Agency computes a fee amount based on the cost of administering the permits program for these sources. The amendments extend the due date for submitting operating permit fees to EPA until May 14, 2004 for agricultural sources that are major sources subject to title V but are not being permitted by 34 Clean Air Act title V operating permits programs in the State of California.

Timetable:

Action	Date	FR Cite
NPRM	05/13/03	68 FR 25548
Direct Final Action	05/13/03	68 FR 25507
Withdrawal of Direct Final	06/27/03	68 FR 38197
Final Action	11/00/03	

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

EPA—Clean Air Act (CAA)

Final Rule Stage

Government Levels Affected: State

Additional Information: SAN 4791.

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RIN: 2060—AL82

3310. • PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2004

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

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

CFR Citation: 40 CFR 82.4

Legal Deadline: None

Abstract: With this action, EPA will be allocating essential—use allowances for import and production of class I stratospheric ozone depleting substances (ODSs) for calendar year 2004. Essential—use allowances permit a person to obtain controlled class I ODSs as an exemption to the January 1, 1996 regulatory phase—out of class I ODS solely for the designated essential purpose. This regulation will allocate essential use allowances for CFCs for use in metered dose inhalers for the treatment of asthma and chronic obstructive lung disease, and methyl chloroform for use in the space shuttle.

Timetable:

Action	Date	FR Cite
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4833. The final rule must be published by January 1, 2004, in order for the pharmaceutical companies that produce metered dose

inhalers to have access to CFCs in a timely manner. We plan to publish the proposal in early October.

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RIN: 2060—AM01

3311. • AIR QUALITY DESIGNATIONS AND CLASSIFICATIONS FOR THE 8—HOUR OZONE NAAQS

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

Legal Authority: 42 USC 7407, 7501—7515,7601

CFR Citation: 40 CFR part 81

Legal Deadline: Final, Judicial, April 15, 2004, Final.

Abstract: In 1997, EPA promulgated the revised National Ambient Air Quality Standards (NAAQS) for ozone. This action is intended to promulgate designations and classifications for areas across the country as attainment/unclassifiable or nonattainment. The CAA defines a nonattainment area to include the area that is violating the NAAQS and any nearby areas that are contributing to the violation of the NAAQS. The process for designations following promulgation of a NAAQS is contained in Section 107(d)(1) of the CAA. EPA requested States and Tribes to make recommendations regarding attainment of their areas by July 15, 2004. EPA will review the recommended designations and may make modifications as deemed necessary to such recommendations. If EPA determines that a modification is needed, the EPA will notify the State and Tribes no later than 120 days prior to promulgating final designations, which provides an opportunity for States and Tribes to defend their recommended positions. In cases where the States or Tribes do not submit recommendations, EPA will promulgate the designations for areas it deems appropriate. Final ozone designations will be promulgated on April 15, 2004

Timetable:

Action	Date	FR Cite
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4839.

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RIN: 2060—AM03

3312. • PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; AMENDED LEAK REPAIR REQUIREMENTS FOR REFRIGERATION AND AIR—CONDITIONING EQUIPMENT

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

Legal Authority: 42 USC 7401 et seq; 42 USC 7671(g) “CAA 608”

CFR Citation: 40 CFR 82(F)

Legal Deadline: None

Abstract: EPA is amending the leak repair requirements for commercial, comfort cooling, and industrial process refrigeration appliances, promulgated under section 608 of the Clean Air Act. This rule will address methods to calculate leak rates, amend definitions concerning leak repair, and clarify how the leak repair requirements of section 608 extend to appliances using refrigerants that are substitutes for CFC and HCFC refrigerants.

Timetable:

Action	Date	FR Cite
NPRM	06/11/98	63 FR 32044
Final Action	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

EPA—Clean Air Act (CAA)

Final Rule Stage

Additional Information: SAN 3560.2. Split from RIN 2060. Split from RIN 2060—AF37.

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RIN: 2060—AM05

3313. PROJECT XL SITE—SPECIFIC RULEMAKING FOR ANDERSEN CORPORATION'S FACILITY IN BAYPORT, MINNESOTA

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: This site—specific rule, applicable only to the Andersen Bayport facility, provides regulatory changes under the Clean Air Act (CAA) to implement Andersen Corporation's XL project. In this project, the facility will be allowed to increase production levels without undergoing case—by—case reviews prompted by its Volatile Organic Compounds (VOC) emission changes, as long as its VOC emissions per unit of production remain below the performance ratio and its overall emissions remain below a facilitywide VOC cap.

Timetable:

Action	Date	FR Cite
NPRM	04/19/99	64 FR 19097
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4278.

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RIN: 2090—AA21

3314. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SITE—SPECIFIC REGULATION FOR PACKAGING CORPORATION OF AMERICA IN TOMAHAWK, WISCONSIN

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

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63.443; 40 CFR 63.457; 40 CFR 63.453

Legal Deadline: None

Abstract: This site specific regulation will allow Packaging Corporation of America (PCA) to operate its semi—chemical pulp and paper mill with an alternative control technology for its hazardous air pollutants (HAPs). This alternative treatment has been approved by the EPA and its use will be conducted as a pilot project under the May 5, 1998, Joint State/EPA Agreement to Pursue Regulatory Innovation. An applicable federal air rule requires semi—chemical pulp and paper mills to collect and incinerate

their vent gases. As an alternative treatment, PCA will collect and hard—pipe vent gas condensates to their on—site wastewater treatment plant. The vent gas condensates contain a large proportion of the vent gas HAPs, and the HAPs are effectively treated in the wastewater treatment plant. PCA has agreed to accept as an enforceable limit a methanol destruction rate of approximately two times the amount of methanol that would be destroyed with the technology prescribed in the federal air rule. Methanol is an appropriate surrogate for the total HAPs in the vent gases. Data from a full scale treatability study conducted by PCA in June 2001 indicate that the alternative treatment technology may be capable of achieving approximately five times greater methanol treatment than prescribed in the air rule, although PCA will not have to commit to achieving this greater destruction rate.

Timetable:

Action	Date	FR Cite
Direct Final Action	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4816.

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RIN: 2090—AA33

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

Long-Term Actions

3315. NESHAP: OFF—SITE WASTE AND RECOVERY OPERATIONS RESIDUAL RISK STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, July 1, 2004, Final.

Abstract: EPA developed technology—based emissions standards (MACT standards) for this source category under section 112(d) of the Clean Air Act, codified in 40 CFR part 63, subpart

DD. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks after compliance with subpart DD, and develop additional emission standards, as necessary, to provide an ample margin of safety.

EPA—Clean Air Act (CAA)

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 4695.**Sectors Affected:** 56221 Waste Treatment and Disposal

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RIN: 2060—AK68

3316. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7); AVAILABILITY OF INFORMATION TO THE PUBLIC; TECHNICAL AMENDMENT

Priority: Info./Admin./Other**Legal Authority:** “CAA 112(r)”**CFR Citation:** 40 CFR 68.210**Legal Deadline:** None

Abstract: Section 112(r)(7) of the Clean Air Act (CAA) and its implementing regulations at 40 CFR Part 68 require certain stationary sources to report an off—site consequence analysis (OCA), including a worst—case release scenario, in a risk management plan (RMP) that is to be made available to the public. In response to concerns that posting OCA information on the Internet might increase the risk of terrorist and other criminal activities, on August 5, 1999 the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRRA) was enacted. The Act requires the President to promulgate regulations governing the distribution of the OCA sections of RMPs that, in the opinion of the President, would minimize the likelihood of accidental releases and

the risk of terrorist and other criminal activities associated with posting this information. The President delegated his rulemaking authority to the Attorney General and the Administrator of EPA, who jointly promulgated the required regulations at 40 CFR part 1400. The part 1400 regulations restrict the public’s access to the OCA sections of RMPs in certain ways. As currently drafted, however, section 68.210(a) of part 68 states that RMPs are available to the public under CAA section 114, which makes information collected under the CAA, including RMPs in their entirety, available to the public, except for confidential business information. EPA is therefore revising 40 CFR section 68.210(a) to reflect the August 2000 rulemaking. The revision will state that OCA data is made available to the public under the provisions of 40 CFR part 1400. This revision is not meant to regulate any new entities.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

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

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RIN: 2050—AE95

3317. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(3); REVISIONS TO THE LIST OF SUBSTANCES

Priority: Substantive, Nonsignificant**Legal Authority:** “CAA 112(r)”**CFR Citation:** 40 CFR 68.130**Legal Deadline:** None

Abstract: The list of substances subject to the Chemical Accident Prevention requirements at 40 CFR part 68 was promulgated on January 31, 1994. The Clean Air Act states that the list may be revised from time to time by EPA’s

own motion or by petition and shall be reviewed at least every 5 years. Since the January 1994 final list rule, EPA has modified the listing for hydrochloric acid; deleted a category of explosive chemicals; exempted flammable substances in gasoline used as fuel and in naturally occurring hydrocarbon mixtures prior to initial processing; and excluded flammable substances used as a fuel or held for sale as a fuel at a retail facility. In fulfillment of the statute’s 5—year review requirement, EPA has conducted a thorough review of the list. Based on that review, EPA is proposing additions, deletions and modifications to the list of substances. Deletions are based on EPA’s review of the chemical toxicity, physical property, production/use quantity and accident history of currently listed substances and new information or erroneous data that impacts the basis of the chemical’s listing. Other toxic and flammable chemicals are proposed to be added because they meet the criteria for listing a toxic or flammable substance. In addition, EPA proposes to revise the reporting threshold and toxic endpoints of several toxic substances based on updated toxicity information. Facilities (such as chemical manufacturers, processors, and users), with more than the threshold quantity of a listed substance in a process, are required to develop a risk management program and submit a risk management plan to EPA. The proposed changes to the list will ensure that facilities are properly managing risks of the most acutely toxic and flammable chemicals that could have an adverse impact on the facility and surrounding community in event of an accidental release.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN 4619.**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

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EPA—Clean Air Act (CAA)

Long-Term Actions

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RIN: 2050—AE96

3318. REVIEW NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE

Priority: Other Significant

Legal Authority: 42 USC 7409

CFR Citation: 40 CFR 50

Legal Deadline: Final, Statutory, May 31, 2001, Final.

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4266.

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RIN: 2060—AI43

3319. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7408; 42 USC 7409

CFR Citation: 40 CFR 50

Legal Deadline: NPRM, Judicial, March 31, 2005, NPRM. Final, Judicial, December 20, 2005, Final.

Abstract: On July 18, 1997, the EPA published a final rule revising the national ambient air quality standards (NAAQS) for particulate matter (PM) (62 FR 38652). While retaining the PM10 standard levels, new standards were added for fine particles (PM2.5) to provide increased protection against both health and environmental effects of PM. On the same day, a Presidential Memorandum (62 FR 38421) was published that, among other things, anticipated that EPA would complete the next review of the PM NAAQS by July 2002. The EPA's plans and schedule for the next periodic review of the PM NAAQS were published on October 23, 1997 (62 FR 55201). Due to the unprecedented volume of new research, the completion of the Criteria Document has been extended. As result the overall schedule for the review of the PM NAAQS has extended beyond the original target of July 2002. As with other NAAQS reviews, a rigorous assessment of relevant scientific information will be presented in a Criteria Document (CD) prepared by EPA's National Center for Environmental Assessment. The EPA's Office of Air Quality Planning and Standards will then prepare a Staff Paper (SP) for the Administrator which will evaluate the policy implications of the key studies and scientific information contained in the CD and additional technical analyses and identify critical elements that EPA staff believe should be considered in reviewing the standards. The CD and SP will be reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public, and both final documents will reflect the input

received through these reviews. As the PM NAAQS review is completed, the Administrator's proposal to revise or reaffirm the PM NAAQS will be published with a request for public comment. Input received during the public comment period will be considered in the Administrator's final decision.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4255.

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RIN: 2060—AI44

3320. 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

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notice stated that EPA would shortly propose a new implementation strategy to assist States in addressing short-term peaks of sulfur dioxide. The new implementation strategy — the Intervention Level Program — was proposed on January 2, 1997. In July 1996, the American Lung Association and the Environmental Defense Fund petitioned the U.S. Court of Appeals for the D.C. Circuit for a judicial review of EPA's decision not to establish a new 5-minute NAAQS. On January 30, 1998, the court found that EPA did not adequately explain its decision and remanded the case so EPA could explain its rationale more fully. EPA published a schedule for responding to the remand in the May 5, 1998 Federal Register. Since that notice, EPA has continued to work on the proposed response to the remand by reviewing additional SO₂ air quality information. EPA published an informational notice in the Federal Register on January 9, 2001 (66 FR 1665). EPA conducted monitoring to evaluate sources of SO₂ peaks and is currently analyzing these data. The results of this project will inform the response to the remand.

Timetable:

Action	Date	FR Cite
NPRM NAAQS Review	11/15/94	59 FR 58958
NPRM NAAQS impl—51	03/07/95	60 FR 12492
Final Original	05/22/96	61 FR 25566
NPRM rev. NAAQS impl	01/02/97	62 FR 210
Notice	05/05/98	63 FR 24782
Informational Notice	01/09/01	66 FR 1665
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN 1002.

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RIN: 2060-AA61**3321. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT****Priority:** Other Significant**Legal Authority:** 42 USC 7412 “CAA 112”**CFR Citation:** 40 CFR 63**Legal Deadline:** None

Abstract: Final standards under section 112(d) for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks (40 CFR 63, Subpart N) were promulgated on January 25, 1995. Since promulgation, the Agency has determined that a class of chromium electroplating operations were inadvertently excluded from regulation. Specifically, the final standards do not apply to sources engaged in continuous chromium electroplating of steel sheet used to make cans and other containers. It is the Agency's intent to regulate all facilities engaged in chromium electroplating. Therefore, the Agency plans to amend the chromium electroplating rule to extend its applicability to continuous chromium electroplating operations.

Timetable:

Action	Date	FR Cite
Proposed Amdt	03/00/05	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 2841.

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RIN: 2060-AH08**3322. NSPS AND EMISSION GUIDELINES FOR OTHER SOLID WASTE INCINERATORS****Priority:** Other Significant**Legal Authority:** 42 USC 7509 “CAA 129”**CFR Citation:** 40 CFR 60**Legal Deadline:** None

Abstract: Section 129 of the Clean Air Act of 1990 requires the Agency to promulgate New Source Performance Standards (NSPS) and Emission Guidelines (EG) for solid waste incinerators. Section 129 specifically required the Administrator to publish a schedule for regulating Other Solid Waste Incinerators (OSWI). A notice published on November 9, 2000 announced that the Administrator would promulgate OSWI standards by November 15, 2005. The notice also listed what classes of incinerators might be covered by the OSWI standards. Standards will be set for the following pollutants: particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead cadmium, mercury, and dioxins and dibenzofurans.

Timetable:

Action	Date	FR Cite
Notice	11/09/00	65 FR 66850
NPRM	11/00/04	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local**Additional Information:** SAN 3751.

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RIN: 2060-AG31

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3323. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON—FEDERAL CLASS I AREAS**Priority:** Other Significant**Legal Authority:** 42 USC 7670—7479 “CAA 160—169”**CFR Citation:** 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	05/16/97	62 FR 27158
NPRM	10/00/05	
Final Action	10/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Tribal**Additional Information:** SAN 3919.**Agency Contact:** Darrel Harmon, Environmental Protection Agency, Air and Radiation, 6101A, Washington, DC 20460

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RIN: 2060—AH01**3324. PROTECTION OF STRATOSPHERIC OZONE: UPDATE OF THE SUBSTITUTES LIST UNDER SNAP PROGRAM****Priority:** Other Significant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671(k) “CAA 612”**CFR Citation:** 40 CFR 82; 40 CFR 9**Legal Deadline:** None

Abstract: Section 612 of the Clean Air Act requires EPA to identify alternatives to class I and II ozone—

depleting substances and to publish lists of acceptable and unacceptable substitutes. Producers of substitutes must notify EPA at least 90 days before alternatives are introduced into interstate commerce. Unlike acceptable alternatives (see Notices), substitutes which are deemed by EPA to be unacceptable or acceptable subject to use restrictions must go through notice and comment rulemaking. Substitute lists are updated intermittently depending on the volume of notifications.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/92	57 FR 1984
NPRM	05/12/93	58 FR 28094
Final	03/18/94	59 FR 13044
Notice 1	08/26/94	59 FR 44240
NPRM 1	09/26/94	59 FR 49108
Notice 2	01/13/95	60 FR 3318
Final 1	06/13/95	60 FR 31092
Notice 3	07/28/95	60 FR 38729
NPRM 2	10/02/95	60 FR 51383
Notice 4	02/08/96	61 FR 4736
Final 2	05/22/96	61 FR 25585
NPRM 3	05/22/96	61 FR 25604
Notice 5	09/05/96	61 FR 47012
Final 3	10/16/96	61 FR 54030
Notice 6	03/10/97	62 FR 10700
NPRM 4	05/21/97	62 FR 27874
Notice 7	06/03/97	62 FR 30275
NPRM 5	02/03/98	63 FR 5491
Notice 8	02/24/98	63 FR 9151
Notice 9	05/22/98	63 FR 28251
Interim Final 7	01/26/99	64 FR 3861
Interim Final 8	01/26/99	64 FR 3865
ANPRM 9	02/18/99	64 FR 8043
NPRM 6	02/18/99	64 FR 8038
Final 5	04/28/99	64 FR 22981
Notice 10	06/08/99	64 FR 30410
Notice 11	12/06/99	64 FR 68039
Notice 12	04/11/00	65 FR 19327
Final 6	04/26/00	65 FR 24387
Notice 13	06/19/00	65 FR 37900
NPRM 10	07/11/00	65 FR 42653
Notice 14	12/18/00	65 FR 78977
Correction Notice 14	03/07/01	66 FR 13655
Notice 15	05/23/01	66 FR 28408
DF Rescind Rule	01/29/02	67 FR 4185
DF Rescind Foams	07/22/02	67 FR 47703
Corr.		
Notice 16	12/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 3525.**Agency Contact:** Margaret Sheppard, Environmental Protection Agency, Air

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RIN: 2060—AG12**3325. PHASE I (FIP) TO REDUCE THE REGIONAL TRANSPORT OF OZONE IN THE EASTERN UNITED STATES****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect State, local or tribal governments and the private sector.**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 52; 40 CFR 97**Legal Deadline:** NPRM, Statutory, January 25, 2003, NPRM.

Abstract: This action would promulgate Federal Implementation Plans (FIPs) which require nitrogen oxides (NOx) emissions decreases. The intended effect is to reduce the transport of ozone (smog) pollution and one of its main precursors (NOx) across State boundaries in the eastern half of the United States. On October 27, 1998, EPA published a final rule (the NOx SIP Call) which allowed States 12 months to develop, adopt, and submit revisions to their State Implementation Plans (SIPs) to address the transport problem. The Administrator is required to promulgate a FIP within 2 years of: (1) Finding that a State has failed to make a required submittal; or (2) finding that a submittal is not complete; or (3) disapproving a SIP submittal. On June 22, 2000, the D.C. Court of Appeals assigned a new SIP submittal date of October 30, 2000. Eleven States (Virginia, West Virginia, Alabama, Kentucky, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Michigan, and Ohio) and the District of Columbia had not submitted adequate SIPs, as announced in a findings rule published on December 26, 2000. All of these States have since submitted approvable plans. (Note: The FIPs discussed here would apply to all elements of the NOx SIP call that were

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not remanded to EPA by the court on March 3, 2000. The portions of the SIP call that were remanded to EPA will be covered under phase 2 SIPs, and if necessary, separate FIP actions would be prepared for those.)

Timetable:

Action	Date	FR Cite
NPRM	10/21/98	63 FR 56393
Findings Action	12/26/00	65 FR 81366
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Federal, Local, State

Additional Information: SAN 4096.

Sectors Affected: 333415 Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 324199 All Other Petroleum and Coal Products Manufacturing; 33611 Automobile and Light Duty Motor Vehicle Manufacturing; 32731 Cement Manufacturing; 331221 Cold-Rolled Steel Shape Manufacturing; 221121 Electric Bulk Power Transmission and Control; 221122 Electric Power Distribution; 327211 Flat Glass Manufacturing; 221112 Fossil Fuel Electric Power Generation; 327213 Glass Container Manufacturing; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 331111 Iron and Steel Mills; 322122 Newsprint Mills; 333618 Other Engine Equipment Manufacturing; 327212 Other Pressed and Blown Glass and Glassware Manufacturing; 322121 Paper (except Newsprint) Mills; 32213 Paperboard Mills; 32511 Petrochemical Manufacturing; 48621 Pipeline Transportation of Natural Gas; 325211 Plastics Material and Resin Manufacturing; 32211 Pulp Mills; 22133 Steam and Air-Conditioning Supply

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RIN: 2060—AH87

3326. NESHAP: AEROSPACE MANUFACTURING AND REWORK FACILITIES RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4653.

Sectors Affected: 33641 Aerospace Product and Parts Manufacturing

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RIN: 2060—AK08

3327. 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, Final.

Abstract: EPA developed technology—based standards for this source category under section 112(d) of the CAA. This source category covers certain chemical process units used to manufacture products. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4657.

Sectors Affected: 325211 Plastics Material and Resin Manufacturing

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RIN: 2060—AK13

3328. NESHAP: INDUSTRIAL PROCESS COOLING TOWERS RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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

Abstract: A national emission standard for hazardous air pollutants (NESHAP)

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for industrial process cooling towers (IPCT) was previously promulgated under Section 112(d) of the Clean Air Act. That standard effectively bans the use of chromium—based water treatment chemicals in IPCT used to remove heat from chemical or industrial processes. The Clean Air Act Section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from IPCT and, if warranted, to develop new risk based standards.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Additional Information:** SAN 4660.

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RIN: 2060—AK16**3329. NESHAP: NATIONAL EMISSION STANDARDS FOR MARINE TANK VESSEL LOADING OPERATIONS — RESIDUAL RISK STANDARD****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, September 19, 2003, Final.

Abstract: EPA developed technology—based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart Y. This source category covers tanks or ships that contain gasoline, crude oil, or HAPs in bulk. The current action, required by section 112(f) of the CAA, is to assess residual risks from this

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 4661.**Sectors Affected:** 483 Water Transportation

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RIN: 2060—AK17**3330. NESHAP: PERCHLOROETHYLENE DRY CLEANING FACILITIES RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

Abstract: EPA developed technology—based emission standards for this source category under section 112(d) of the Clean Air Act. The current action, required by Section 112(f) of the Clean Air Act, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN 4662.**Sectors Affected:** 81232 Drycleaning and Laundry Services (except Coin-Operated)

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RIN: 2060—AK18**3331. NESHAP: SECONDARY LEAD SMELTING RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, June 23, 2003, Final.

Abstract: National emission standards for hazardous air pollutants (NESHAP) for secondary lead smelting were promulgated on June 23, 1995 under Clean Air Act Section 112(d). The standards establish emission limitations and work practice standards for all new and existing secondary lead smelters that produce refined lead from lead scrap, mainly lead acid batteries. Clean Air Act Section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from secondary lead smelters and to develop new risk based standards, if warranted.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 4665.

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Sectors Affected: 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)

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RIN: 2060—AK19

3332. NESHAP: SHIPBUILDING AND SHIP REPAIR SURFACE COATING — RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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

Abstract: EPA developed technology—based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart II. This source category covers air—toxic emissions from the painting, welding, and sandblasting of ships under construction or repair at major sources. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4666.

Sectors Affected: 336611 Ship Building and Repairing

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RIN: 2060—AK20

3333. NESHAP: WOOD FURNITURE MANUFACTURING OPERATIONS — RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 7, 2003, Final.

Abstract: EPA developed technology—based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart JJ. This source category covers air—toxic emissions from wood—furniture manufacturing, including wood finishing, gluing, and painting. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4667.

Sectors Affected: 337 Furniture and Related Product Manufacturing; 337211 Wood Office Furniture Manufacturing

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RIN: 2060—AK21

3334. NESHAP: HALOGENATED SOLVENT CLEANING — RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 2, 2002, Final.

Abstract: This action is required by the CAA to assess residual risk and develop standards as necessary to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4668.

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

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RIN: 2060—AK22

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3335. NESHAP: MAGNETIC TAPE MANUFACTURING OPERATIONS RESIDUAL RISK STANDARD**Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 15, 2002, Final.

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

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 4669.

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

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RIN: 2060—AK23**3336. NESHAP: PRINTING AND PUBLISHING INDUSTRY — RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, May 30, 2004, Final.

Abstract: EPA developed technology-based standards for this source category

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

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN 4664.

Sectors Affected: 322221 Coated and Laminated Packaging Paper and Plastics Film Manufacturing; 322222 Coated and Laminated Paper Manufacturing; 323112 Commercial Flexographic Printing; 323111 Commercial Gravure Printing; 322212 Folding Paperboard Box Manufacturing; 322225 Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses; 323119 Other Commercial Printing; 322223 Plastics, Foil, and Coated Paper Bag Manufacturing

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RIN: 2060—AK24**3337. NESHAP: PETROLEUM REFINERIES — RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, August 31, 2003, Final.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart CC. This source category covers air-toxic emissions from equipment at petroleum refineries, such as process vents, storage vessels, and valve leaks. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 4663.

Sectors Affected: 32411 Petroleum Refineries

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RIN: 2060—AK25**3338. NATIONAL EMISSION STANDARDS FOR CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS — RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, January 25, 2003, Final.

Abstract: A national emission standard for chromium emissions from hard and

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decorative chromium electroplating and chromium anodizing tanks was previously promulgated under Section 112(d) of the Clean Air Act. That standard set emission limits for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. The Clean Air Act Section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from hard and decorative chromium electroplating and chromium anodizing tanks and, if warranted, to develop new risk based standards.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4750.

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RIN: 2060—AK72

3339. PETITION TO DELIST HAZARDOUS AIR POLLUTANT : 4,4'—METHYLENE DIPHENYL DIISOCYANATE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Additional Information: SAN 4782.

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RIN: 2060—AK84

3340. NESHAP: GROUP I POLYMERS AND RESINS — RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: Not Yet Determined

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

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4656.

Sectors Affected: 325212 Synthetic Rubber Manufacturing

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RIN: 2060—AK12

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3341. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) RESIDUAL RISK STANDARDS**Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, April 22, 2003, Final.

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4659.**Sectors Affected:** 325 Chemical Manufacturing

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RIN: 2060—AK14**3342. NESHAP: GROUP IV POLYMERS AND RESINS — RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, September 12, 2004, Final.

Abstract: EPA developed technology-based standards for this source category

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4658.**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing

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RIN: 2060—AK15**3343. INTERSTATE OZONE TRANSPORT: RULEMAKING ON SECTION 126 PETITIONS FROM THE DISTRICT OF COLUMBIA, DELAWARE, MARYLAND, AND NEW JERSEY****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7426**CFR Citation:** 40 CFR 52; 40 CFR 97**Legal Deadline:** Final, Statutory, December 14, 1999, Final.

Abstract: In April through July 1999, 3 Northeastern States (New Jersey, Maryland, and Delaware) and the District of Columbia submitted individual petitions to EPA in accordance with section 126 of the Clean Air Act (CAA). Each petition specifically requests that EPA make a finding that nitrogen oxides (NOx) emissions from certain stationary

sources in other States significantly contribute to ozone nonattainment and maintenance problems with respect to the 1—hour and 8—hour ozone standards in the petitioning State. If EPA makes such a finding of significant contribution, EPA is authorized to establish Federal emissions limits for the sources. The petitions rely on the analyses from EPA's NOx SIP call. The sources targeted by the petitions are large electricity generating units and large non—electricity generating units, as defined in EPA's NOx SIP call. The EPA took rulemaking action on similar petitions from 8 other Northeastern States that were submitted in 1997.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN 4383.

There is a different statutory deadline associated with each petition based on the date of receipt by EPA: New Jersey — 12/14/99, Maryland — 01/01/00, Delaware — 02/10/00, District of Columbia — 03/07/00

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RIN: 2060—AI99**3344. STREAMLINED EVAPORATIVE TEST PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7521(m)**CFR Citation:** 40 CFR 86 (Revision)**Legal Deadline:** None

Abstract: This action will streamline the test procedure used to establish

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compliance with evaporative emission requirements for light duty vehicles and trucks. The current test procedure requires both two— and three—day diurnal emission tests, as well as running—loss testing. The revisions will delete the three day requirement and add flexibilities for running—loss compliance. This will enable manufacturers to save significant resources without any decrease in environmental benefits.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3910.

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RIN: 2060—AH34

3345. REVISIONS TO THE APPEAL PROCEDURES AND THE FEDERAL NOX BUDGET TRADING PROGRAM, PARTS 78 AND 97

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7601; 42 USC 7651 et seq; 42 USC 7401; 42 USC 7403; 42 USC 7426

CFR Citation: 40 CFR 75 (Revision); 40 CFR 97 (Revision)

Legal Deadline: None

Abstract: This rule is a set of revisions which will simplify and streamline the interface between the existing Acid Rain Program and the NOx Budget Trading Program.

Timetable:

Action	Date	FR Cite
NPRM	06/13/01	66 FR 31978
NPRM ECP	07/27/01	66 FR 39123
Final Action	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4682. Split from RIN 2060—AJ43.

Sectors Affected: 221111 Hydroelectric Power Generation

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RIN: 2060—AK36

3346. REVISED PERMIT REVISION PROCEDURES FOR THE FEDERAL OPERATING PERMITS PROGRAM—PART 71

Priority: Other Significant

Legal Authority: 42 USC 7661(a)(d)(3)

CFR Citation: 40 CFR 71.7

Legal Deadline: None

Abstract: The proposed regulatory change would streamline permit revisions procedures for stationary air sources that are subject to the Federal operating permits program.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 3922.

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RIN: 2060—AG92

3347. SELECTION OF SEQUENCE OF MANDATORY SANCTIONS TO BE APPLIED PURSUANT TO SECTION 502 OF THE CLEAN AIR ACT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7661a(d); 42 USC 7661a(g); 42 USC 7661a(i)

CFR Citation: 40 CFR 70

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4700.

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RIN: 2060—AK46

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Long-Term Actions

3348. PERFORMANCE WARRANTY AND INSPECTION/MAINTENANCE TEST PROCEDURES**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7541; 42 USC 7601**CFR Citation:** 40 CFR 51; 40 CFR 85**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
Final Action	12/00/05	

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

Undetermined

Additional Information: SAN 3263.

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RIN: 2060—AE20**3349. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7671 “CAA 176(c)”**CFR Citation:** 40 CFR 51; 40 CFR 93**Legal Deadline:** None

Abstract: The transportation conformity rule, promulgated in November 1993, ensures that transportation and air quality planning are consistent with Clean Air Act air quality standards. The Open Market Trading Guidance provides guidance to states for establishing a method to quantify emissions reductions (called discrete emissions reductions or DERs)

that can be traded among parties and how such trading should occur. This action will amend the transportation conformity rule to clarify how emissions trading could be reconciled in the conformity process.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

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

Undetermined

Additional Information: SAN 3917.

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RIN: 2060—AH31**3350. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60 Appendix B; 40 CFR 60 Appendix F**Legal Deadline:** None

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

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4584.

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

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RIN: 2060—AJ86**3351. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): CLEAN UNITS****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51**Legal Deadline:** None

Abstract: This proposed rule would revise the provisions for the clean unit test contained in the major New Source Review (NSR) requirements. This action proposes to revise the length of the clean unit designation period contained

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4691.

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RIN: 2060—AK42

3352. VOLUNTARY SUPERIOR MONITORING

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

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

Legal Deadline: None

Abstract: The Emissions Measurement Center of EPA's Office of Air Quality Planning and Standards in Research Triangle Park, NC is exploring a regulatory option called "Voluntary Superior Monitoring (VSM)." Under this option, owners/operators of industrial air pollution sources could

volunteer to conduct "superior" monitoring which could range from more frequent monitoring of emissions to replacement of existing monitoring. In return for conducting superior monitoring, EPA will offer incentives to these sources, such as less record keeping and reporting, some flexibility in control device or process operation, or flexibility in averaging times for determining compliance with the standard. We are also planning to provide guidance on how to implement Voluntary Superior Monitoring and what criteria industrial sources would need to meet to be eligible for this program. This rulemaking will be beneficial for both industry and the environment. Industry will be encouraged to conduct better monitoring which will potentially allow them to monitor their processes better, ensure their control equipment is running efficiently, and focus their maintenance practices. As a result of this improved monitoring by industry, we expect that air emissions will be reduced significantly. Industry will also be better able to demonstrate compliance with data collected from the superior monitoring. These data will also demonstrate to citizens that an industry is in compliance and, thus, a "good neighbor." We expect this rule to be implemented through the operating permits program which will involve state and local air pollution control agencies and the EPA regional offices. Instead of revising each individual New Source Performance Standard (NSPS) and National Emission Standards for Hazardous Air Pollutant (NESHAP) to incorporate superior monitoring provisions, we envision proposing this regulatory option by revising the general provisions to parts 60, 61, and 63. The general provisions contain monitoring, testing, recordkeeping, reporting, and other requirements common to all NSPS and/or NESHAP. In addition, we believe that the operating permit program in parts 70 and 71 will need to be modified to allow this 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

Additional Information: SAN 4783.

Sectors Affected: 325 Chemical Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 322 Paper Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 323 Printing and Related Support Activities; 336 Transportation Equipment Manufacturing; 221 Utilities; 321 Wood Product Manufacturing

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RIN: 2060—AK85

3353. • 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. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 CFR 63

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Agency has received a petition to remove the two—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

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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. A final decision on the merits of the petition has been delayed due to outstanding toxicological issues regarding two pollutants (formaldehyde and ethylene glycol monobutyl ether (EGBE)), and due to a technically weak ecological assessment prepared by the petitioner. Issues with formaldehyde and EGBE should be resolved soon and we are still awaiting an updated ecological assessment from the petitioner.

Timetable:

Action	Date	FR Cite
Notice	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN 4799.

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RIN: 2060—AL86

3354. • CONSIDERATION OF INDUSTRY PETITION TO REMOVE ETHYLENE GLYCOL MONOBUTYL ETHER FROM THE CLEAN AIR ACT LIST OF HAZARDOUS AIR POLLUTANTS

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

Legal Authority: 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

Abstract: The Agency received a petition to remove Ethylene Glycol Monobutyl ether (EGBE, 2—Butoxyethanol) from the American Chemistry Council on August 29, 1997, with additional submittals through December 21, 1998. This action will address that petition. A final decision on the petition will involve the resolution of toxicological issues with EGBE, including whether or not it is a human carcinogen. The institutional structure under which the petition will be considered is as follows: 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. 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 recommends to the Administrator whether to grant the petition. If the Administrator decides to grant a petition, we propose a rule 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. 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	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN 4800.

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RIN: 2060—AL87

3355. • CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MOTOR VEHICLES: ON—BOARD DIAGNOSTIC REQUIREMENTS FOR HEAVY—DUTY ENGINES AND VEHICLES ABOVE 14,000 POUNDS AND IN—USE, NOT—TO—EXCEED EMISSION STANDARD TESTI

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

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

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result of a settlement between EPA, ARB, and Engine Manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4809.

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RIN: 2060—AL92

3356. • NESHP: FERROALLOYS PRODUCTION: FERROMANGANESE AND SILICOMANGANESE RESIDUAL RISK STANDARDS

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

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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

Abstract: EPA developed technology-based emission standards for this source category under section 112(d) of the Clean Air Act. The current action, required by Section 112(f) of the Clean Air Act, is to assess residual risks and develop additional emission standard, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4810.

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RIN: 2060—AL93

3357. • MINERAL WOOL PRODUCTION RESIDUAL RISK STANDARD

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

Legal Authority: PL 91—190, sec 203; 42 USC 7401

CFR Citation: 40 CFR 63.1175 to 63.1199

Legal Deadline: None

Abstract: Section 112(f)(2) of the Clean Air Act (CAA) directs us to assess the risk remaining (residual risk) after the application of control technology standards under section 112(d) (MACT). The EPA is to promulgate more stringent standards for a category or subcategory of sources subject to MACT standards under section 112(d) if promulgation of such standards is necessary to protect public health with an ample margin of safety or to prevent (taking into consideration various factors) adverse environmental effects. In particular, the CAA specifies the cancer risk of concern for setting more stringent standards. The CAA states that if the MACT standards do not reduce lifetime excess cancer risk to the individual most exposed to emissions ... to less than one in one million, the Administrator shall promulgate standards under this subsection for such source categories. The standards to be promulgated under this subsection must provide an ample margin of safety to protect public health in accordance with this section (as in effect before the date of enactment of the Clean Air Act Amendments of 1990), unless the Administrator determines that a more stringent standard is necessary to prevent, taking into consideration costs,

energy, safety, and other relevant factors, an adverse environmental impact. Section 112(f)(2)(B) expressly preserves EPA's interpretation of an ample margin of safety developed in the 1989 benzene NESHP final rule. EPA will review the mineral wool production MACT standard and conduct analyses to determine whether the residual risk warrants further regulation. The CAA requires that the residual risk rules be promulgated (if necessary) within eight years (nine for the two-year bin standards) after the promulgation of the associated MACT standard. The MACT rule for the mineral wool production source category was promulgated on June 1, 1999. Therefore, the statutory deadline for promulgating a residual risk rule (if necessary) for this source category is June 1, 2007.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4825. Legal: Legislative deadline for the residual risk rule is 8 years after promulgation of that source category's MACT rule.

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RIN: 2060—AL96

3358. • NESHP FOR FLEXIBLE POLYURETHANE FOAM PRODUCTION: RESIDUAL RISK STANDARDS

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

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN 4831.

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RIN: 2060—AL99

3359. • NESHAP: PHARMACEUTICALS PRODUCTION: RESIDUAL RISK STANDARDS

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

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, October 21, 2010, Final.

Abstract: EPA promulgated technology—based emission standards for this source category in 1998 under section 112(d) of the Clean Air Act. These standards are codified at 40 CFR part 63, subpart FFF. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risk that remains once that rule becomes

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4832.

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RIN: 2060—AM00

3360. • REPEAL OF VACATED PM10 NATIONAL AMBIENT AIR QUALITY STANDARDS AND RELATED REQUIREMENTS

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

Legal Authority: 42 USC 7401 et seq; 5 USC 553

CFR Citation: 40 CFR 50, 53, 58

Legal Deadline: None

Abstract: In *American Trucking Associations, Inc., et al., v. EPA*, the U.S. Court of Appeals for the D.C. Circuit vacated revisions to the PM10 national ambient air quality standards issued by EPA in 1997, and left intact the pre-existing PM10 standards. To conform the Code of Federal Regulations to the court's decision, it is necessary to remove the revised standards and all associated regulations and interpretative materials. Because this is purely a ministerial action, final rulemaking without opportunity for public review and comment is justified under "good cause" provisions of the Administrative Procedure Act.

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 4837.

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RIN: 2060—AM02

3361. • AIR QUALITY DESIGNATIONS FOR THE PM—2.5 NAAQS

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

Legal Authority: 42 USC 7404(d)

CFR Citation: 40 CFR 81

Legal Deadline: None

Abstract: This rule sets out final air quality designations and classifications for all areas of the United States as required by section 107 of the Clean Air Act (CAA). The air quality status of an area is represented by the designation of the area. Designations are objectively based upon air quality monitoring data and other relevant information pertaining to the air quality of the area. Area designations of attainment/unclassifiable means that the area has sufficient data to determine that the area is meeting the PM—2.5 NAAQS, or that due to no data being available for the area, or insufficient data being available, EPA cannot make a determination for the area. States and tribes were requested to make their recommendations to EPA on the attainment status of their respective areas by February 2004. EPA will review the recommended designations and may make modifications as deemed necessary. If EPA determines that a modification to the recommendations is required, EPA

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will notify the State or tribe of their decision no later than 120 days prior to promulgating a final designation, which provides an opportunity for them make a case for why EPA's modification may be inappropriate. In cases where a State or tribe does not make a recommendation, the EPA will promulgate the designation that it deems appropriate. The final date for promulgating designations for PM—2.5 will be December 31, 2004.

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN 4840.**Agency Contact:** Larry Wallace, Environmental Protection Agency, Air

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RIN: 2060—AM04Environmental Protection Agency (EPA)
Clean Air Act (CAA)

Completed Actions

3362. OVERVIEW OF RULEMAKINGS FOR THE PURPOSE OF REDUCING INTERSTATE OZONE TRANSPORT**Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 51**Completed:**

Reason	Date	FR Cite
Final Action	05/01/02	67 FR 21868
NPRM	04/04/03	68 FR 16644

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Local, State**Agency Contact:** Jan King
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RIN: 2060—AJ20

applicability requirements for modifications to allow sources more flexibility to respond to rapidly changing markets and to plan for future investments in pollution control and prevention technologies. The changes reflect EPA's consideration of discussions and recommendations of the CAA Advisory Committee (CAAAC) Subcommittee on NSR, Permits, and Toxics, comments filed by the public, and meetings and discussions with interested stakeholders. The changes are intended to provide greater regulatory certainty, administrative flexibility, and permit streamlining, while ensuring the current level of environmental protection and benefit derived from the program and, in certain respects, resulting in greater environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	07/23/96	61 FR 38249
Final Action	12/31/02	67 FR 80186

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 3259.1.

Split from RIN 2060—AE11. See also SAN No. 4390.

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RIN: 2060—AL74**3364. NESHAP: HYDROCHLORIC ACID PRODUCTION INDUSTRY****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	04/17/03	68 FR 19076

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Bill Maxwell
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RIN: 2060—AH75**3363. • PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): RECONSIDERATION****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51.160 to 51.166; 40 CFR 52.21**Legal Deadline:** None**Abstract:** The EPA revised regulations governing the New Source Review (NSR) programs mandated by parts C and D of title I of the CAA. These revisions include changes in NSR**3365. REVISION TO THE GUIDELINE ON AIR QUALITY MODELS (APPENDIX W TO 40 CFR PART 51): ADOPTION OF A PREFERRED LONG RANGE TRANSPORT MODEL AND OTHER REVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 51.112; 40 CFR 51.160; 40 CFR 51.166; 40 CFR 52.21**Completed:**

Reason	Date	FR Cite
Final Action	04/15/03	68 FR 18439

Regulatory Flexibility Analysis**Required:** No

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Completed Actions

Government Levels Affected: None

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RIN: 2060—AF01

3366. NESHAP: INTEGRATED IRON AND STEEL

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	05/20/03	68 FR 27645

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060—AE48

3367. NESHAP: REINFORCED PLASTIC COMPOSITES PRODUCTION

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	04/21/03	68 FR 19375

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

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RIN: 2060—AE79

3368. NESHAP: PAINT STRIPPING OPERATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn	10/02/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060—AG26

3369. NESHAP: SEMICONDUCTOR PRODUCTION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	05/22/03	68 FR 27913

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060—AG93

3370. AMENDMENTS TO PARTS 51, 52, 63, 70, AND 71 REGARDING THE PROVISIONS FOR DETERMINING POTENTIAL TO EMIT

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
The Agency plans no further action.	11/01/03	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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RIN: 2060—AI01

3371. NESHAP: METAL FURNITURE (SURFACE COATING)

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	05/23/03	68 FR 28605

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

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RIN: 2060—AG55

3372. NESHAP: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	04/29/03	68 FR 22976
Correction Notice	05/07/03	68 FR 24562

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060—AG66

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Completed Actions

3373. NESHAP: REFRACTORY PRODUCTS MANUFACTURING**Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	04/16/03	68 FR 18729

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Susan Fairchild

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RIN: 2060—AG68**3374. NESHAP: PRINTING, COATING AND DYEING OF FABRICS AND OTHER TEXTILES****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	05/29/03	68 FR 32172

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Paul Almodovar

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RIN: 2060—AG98**3375. NESHAP: WOOD BUILDING PRODUCTS (SURFACE COATING)****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	05/28/03	68 FR 31746

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Lynn Dail

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RIN: 2060—AH02**3376. NESHAP: COKE OVENS: PUSHING, QUENCHING, AND BATTERY STACKS****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	04/14/03	68 FR 18007

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Lula Melton

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RIN: 2060—AH55**3377. NESHAP: FUMED SILICA PRODUCTION****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	04/17/03	68 FR 19076

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Bill Maxwell

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RIN: 2060—AH72**3378. NESHAP: OIL AND NATURAL GAS PRODUCTION****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	06/17/99	64 FR 32609

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Greg Nizich

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RIN: 2060—AI13**3379. NESHAP: CLAY CERAMICS MANUFACTURING****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	05/16/03	68 FR 26690
Final Action Correction	05/28/03	68 FR 31744

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Mary Johnson

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RIN: 2060—AI68**3380. NESHAP: ENGINE TEST CELLS/STANDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	05/27/03	68 FR 28774

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

EPA—Clean Air Act (CAA)

Completed Actions

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RIN: 2060—AI74

3381. NESHAP: FLEXIBLE POLYURETHANE FOAM FABRICATION OPERATIONS

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	04/14/03	68 FR 18062

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060—AJ19

3382. NESHAP: BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	05/16/03	68 FR 26690
Final Action Correction	05/28/03	68 FR 31744

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060—AJ91

3383. NESHAP: SOURCES CATEGORIES: GENERAL PROVISIONS; AND REQUIREMENTS FOR CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS 112(G) AND 112(J); AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63 (Revision)

Completed:

Reason	Date	FR Cite
Final Rule — Amendments	05/30/03	68 FR 32586

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

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RIN: 2060—AK52

3384. NESHAP: SECONDARY ALUMINUM INDUSTRY AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	09/24/02	67 FR 59787
Final Amendment	12/30/02	67 FR 79808

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060—AK57

3385. NESHAP: RUBBER TIRE MANUFACTURING: TECHNICAL CORRECTION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn	09/04/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060—AK82

3386. AMENDMENT TO PROJECT XL SITE—SPECIFIC RULEMAKING FOR GEORGIA—PACIFIC CORPORATION/S FACILITY IN BIG ISLAND, VIRGINIA

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63.863(c)(1) revision; 40 CFR 63.867(a)(2) revision

Completed:

Reason	Date	FR Cite
Direct Final Rule Amendment	08/05/03	68 FR 46102

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060—AK71

3387. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR, AND REPLACEMENT

Priority: Economically Significant

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

Completed:

Reason	Date	FR Cite
Final Action	10/27/03	68 FR 61247

EPA—Clean Air Act (CAA)

Completed Actions

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, Local, State, Tribal**Agency Contact:** Dave Svendsgaard

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RIN: 2060—AK28

3388. REVISIONS TO REGIONAL HAZE RULE TO INCORPORATE SULFUR DIOXIDE MILESTONES AND BACKSTOP EMISSIONS TRADING PROGRAM FOR NINE WESTERN STATES**Priority:** Other Significant**CFR Citation:** 40 CFR 51.309**Completed:**

Reason	Date	FR Cite
Final Action	06/05/03	68 FR 33764

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Tim Smith

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RIN: 2060—AJ50

3389. AMENDMENTS TO COMPLIANCE CERTIFICATION REQUIREMENTS FOR STATE AND FEDERAL OPERATING PERMITS PROGRAMS**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 70; 40 CFR 71 (Revisions)**Completed:**

Reason	Date	FR Cite
Final Action	06/27/03	68 FR 38518

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Grecia Castro

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RIN: 2060—AK11

3390. PROTECTION OF STRATOSPHERIC OZONE: PHASEOUT OF CHLOROBROMOMETHANE (HALON 1011) PRODUCTION AND CONSUMPTION**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 82**Completed:**

Reason	Date	FR Cite
Final Action	07/18/03	68 FR 42883

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Jabeen Akhtar

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RIN: 2060—AJ27

3391. SERVICE INFORMATION REGULATION FOR LIGHT—DUTY VEHICLES AND TRUCKS**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 86**Completed:**

Reason	Date	FR Cite
Final Action	06/27/03	68 FR 38428

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Holly Pugliese

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RIN: 2060—AG13

3392. REVISIONS TO AIR POLLUTION EMERGENCY EPISODE REQUIREMENTS (SUBPART H, 40 CFR PART 51)**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 51 Appendix L; 40 CFR 51.150 to 51.153**Completed:**

Reason	Date	FR Cite
Withdrawn	09/12/03	

Regulatory Flexibility Analysis

Required: No

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RIN: 2060—AI47

3393. MODIFICATION OF FEDERAL ON—BOARD DIAGNOSTIC REGULATIONS FOR 2004 MODEL YEAR VEHICLES BELOW 14,000 POUNDS**Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Completed:**

Reason	Date	FR Cite
NPRM	06/17/03	68 FR 35830
Direct Final Rule	06/17/03	68 FR 35792

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Arvon Mitcham

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RIN: 2060—AJ77

EPA—Clean Air Act (CAA)

Completed Actions

3394. STATE AND FEDERAL OPERATING PERMITS PROGRAM: REMOVAL OF AMENDMENTS TO PART 70 AND PART 71 COMPLIANCE CERTIFICATION REQUIREMENTS**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 70 (Revision); 40 CFR 71 (Revision)**Completed:**

Reason	Date	FR Cite
Withdrawn	09/16/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Grecia Castro

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RIN: 2060—AJ89**3395. EXTENSION OF ALTERNATIVE COMPLIANCE PERIODS UNDER THE ANTI—DUMPING PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 00 CFR None**Completed:**

Reason	Date	FR Cite
Direct Final Rule	05/06/03	68 FR 24299

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Anne—Marie

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RIN: 2060—AK43**3396. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: AMENDMENT TO THE TIER 2 MOTOR VEHICLE EMISSION STANDARDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 86 (Revision)**Completed:**

Reason	Date	FR Cite
Direct Final Rule	12/06/02	67 FR 72820

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Roberts French

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RIN: 2060—AK55**3397. STANDARDS FOR REFORMULATED AND CONVENTIONAL GASOLINE (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7545; 5 USC 610**CFR Citation:** 40 CFR 80**Legal Deadline:** None

Abstract: On February 16, 1994, (59 FR 7716), EPA promulgated a rule setting standards for reformulated and conventional gasoline (RFG) under authority of section 211 of the Clean Air Act. These standards are codified in the Code of Federal Regulations at 40 CFR part 80. Pursuant to section 610 of the Regulatory Flexibility Act, EPA has reviewed this rule to determine if it should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA considered, and solicited comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. The full results of EPA's review have been summarized in a report and placed in the rulemaking docket number OAR—2003—0030. (This electronic docket can be found at www.epa.gov/edocket.) These results are briefly summarized here.

As a result of the review, EPA has concluded that there is continued need for this rule because the rule contributes significantly to reducing harmful smog—causing emissions. Unhealthy smog levels are a significant concern in this country, with over 53 million people living in counties with air quality that does not meet the 1—hour ozone standard. Since it began eight years ago, the RFG program has provided annual emission reductions in VOC and NOx of 105,000 tons during the ozone season, and at least 24,000 tons of toxic air pollutants, such as benzene, year—round. The benzene level at air monitors in 1995, in RFG areas, showed dramatic declines, with a median reduction of 38 percent from the previous year. The emission reductions that can be attributed to the RFG program are equivalent to taking 16 million cars off the road.

EPA's review also addressed the other aforementioned issues cited above: complaints received, complexity, duplication and overlap, and other factors. After considering these factors, EPA's view is that the rule as currently configured minimizes complexity, duplication and overlap to the extent possible given the parameters of the Clean Air Act mandate for the rule. Two public comments were received, one supportive of the rule and one advocating that EPA limit the variety of state fuel programs in order to reduce the distribution problems associated with a variety of different state fuel requirements. The commenter also suggested that EPA address the sources of emissions transport so that areas are not forced into the federal RFG program because of transport of emissions.

Under the preemption provisions of the CAA, EPA does not have authority to go beyond the preemption provisions and control what fuel programs states adopt. EPA's role under the preemption provisions is limited to determining whether the state fuel program is otherwise preempted, and if so whether the reductions it would achieve are necessary to achieve a NAAQS. Amendments or rescission of the RFG or CG rules would not change this or reduce the number of potential state fuel programs. Therefore the comment does not present a basis for EPA to consider amending or rescinding the RFG or CG rules. In addition, EPA recognizes that the control of emissions transport is important; however, this is

EPA—Clean Air Act (CAA)

Completed Actions

addressed through controls adopted by EPA or the States under other provisions of title I and II of the Act, and changes to the RFG or CG rules are not an appropriate mechanism to address emissions transport.

In light of the considerations outlined above, EPA has decided to continue this rule in effect without change. A fuller explanation of the results of this review is given in the aforementioned report which has been placed in the docket established for this review.

Timetable:

Action	Date	FR Cite
End Review	10/08/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4786.

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RIN: 2060—AK65**3398. INSPECTION/MAINTENANCE PROGRAM REQUIREMENTS****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7511; 5 USC 610**CFR Citation:** 40 CFR 51 subpart S**Legal Deadline:** None

Abstract: On November 5, 1992 (57 FR 52950), EPA promulgated a rulemaking laying out the requirements for the automobile inspection and maintenance (I/M) program under Section 182(a)(2)(B)(ii) of the Clean Air Act. These requirements are codified at 40 CFR part 51, subpart S. Pursuant to section 610 of the Regulatory Flexibility Act, EPA has reviewed this rule to determine if it should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA considered, and solicited comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State,

or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. The results of EPA's review have been summarized in a report and placed in the rulemaking docket (docket number OAR—2003—0031 at www.epa.gov/edocket). These results are briefly summarized here.

As a result of the review, EPA has concluded that there is continued need for this rule to assure that the pollution—control features of cars and trucks continue to function properly while in use. This need was the basis for the I/M provisions in the Clean Air Act that require EPA to maintain the program. EPA's review also addressed the other issues cited above: complaints received, complexity, duplication, and overlap. Regarding complaints, no comments were received during the course of this review. Regarding complexity, the Agency has revised and streamlined I/M requirements several times since 1992, most recently in 2001, and continues to look for ways to provide states and other stakeholders greater flexibility with regard to how the I/M program is implemented. The present RFA section 610 review did not identify any further actions appropriate at this time aimed at further reducing complexity beyond the many measures already taken as recently as 2001. The review did not identify any duplication or overlap with other rules or programs. After considering these factors, EPA's view is that the rule as currently configured minimizes complexity, duplication and overlap to the extent possible given the parameters of the Clean Air Act mandate for the rule. In light of these considerations, EPA has decided not to revise the rule in response to the current section 610 review. As a separate matter, however, EPA does plan to propose adjustments to some of the I/M rule's requirements early next year to meet the needs of states with areas newly designated nonattainment under EPA's 8-hour ozone standard. A fuller explanation of the results of this review is given in the aforementioned report which has been placed in the docket established for this review.

Timetable:

Action	Date	FR Cite
End Review	10/08/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4787.

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RIN: 2060—AK66**3399. STAY OF AUTHORITY UNDER 40 CFR 50.9(B) RELATED TO APPLICABILITY OF 1—HOUR OZONE STANDARD****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 50.9(b)**Completed:**

Reason	Date	FR Cite
Final Action	06/26/03	68 FR 38160

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Annie Nikbakht

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RIN: 2060—AK78**3400. RECLASSIFICATION AS NONROAD ENGINES FOR DIESEL ENGINES USED IN THE STATE OF CALIFORNIA AGRICULTURAL PUMP APPLICATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 89**Completed:**

Reason	Date	FR Cite
Direct Final Rule	04/11/03	68 FR 17741

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State**Agency Contact:** Robert Larson

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RIN: 2060—AK83

EPA—Clean Air Act (CAA)

Completed Actions

3401. • REVISIONS TO THE REGIONAL HAZE RULE TO CORRECT MOBILE SOURCE PROVISIONS IN THE OPTIONAL PROGRAM FOR NINE WESTERN STATES AND ELIGIBLE INDIAN TRIBES WITHIN THAT GEOGRAPHIC AREA.

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

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

CFR Citation: 40 CFR 51.309

Legal Deadline: None

Abstract: This is a noncontroversial correction to section 309 of the Regional Haze Regulations to reflect the current situation relative to mobile source emissions in the West. It will result in a reduction in regulatory burden. The correction has been requested by the Western Regional Air Partnership (WRAP), which is a comprised of particular western governors making up the Grand Canyon Visibility Transport Commission (GCVTC). The approach to mobile sources currently included in section 309 is based on certain recommendations of the GCVTC that are now outdated because of federal standards adopted since the Commission made its recommendations. The WRAP's suggested correction updates section 309 requirements to conform with current expected inventory trends. It also eliminates certain comprehensive mobile source requirements which are

now unnecessary, retaining only a requirement only to consider reductions for SO₂ from nonroad mobile sources in the absence of federal regulation.

Timetable:

Action	Date	FR Cite
NPRM	07/03/03	68 FR 39888
Direct Final Amendment	07/03/03	68 FR 39842

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4495.1. Split from RIN 2060—AJ50

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RIN: 2060—AL80

3402. PROJECT XL SITE—SPECIFIC RULEMAKING FOR GEORGIA—PACIFIC CORPORATION FACILITY IN BIG ISLAND, VIRGINIA

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63 (Revision)

Completed:

Reason	Date	FR Cite
Final Action	03/26/01	66 FR 16400

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2090—AA26

3403. NEW JERSEY GOLD TRACK PROJECT XL RULE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 50; 40 CFR 51; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270

Completed:

Reason	Date	FR Cite
Withdrawn	10/16/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

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RIN: 2090—AA28

Environmental Protection Agency (EPA)

Prerule Stage

Atomic Energy Act (AEA)

3404. 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 is being issued to solicit early public input on this issue — see SAN 4054.1 elsewhere in this issue of the Regulatory Agenda.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/03	
NPRM	05/00/04	
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4054.

EPA—Atomic Energy Act (AEA)

Prerule Stage

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RIN: 2060—AH63

3405. ● APPROACHES TO AN INTEGRATED FRAMEWORK FOR MANAGEMENT AND DISPOSAL OF LOW—ACTIVITY RADIOACTIVE WASTE: REQUEST FOR COMMENT

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

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 advance notice of proposed rulemaking (ANPRM) will solicit public comment on voluntary approaches that would allow additional

options for the disposal of low—activity mixed wastes. The wastes intended to be disposed of in these cells are federally regulated mixed wastes, consisting of a chemically hazardous component and low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources, but may also be generated by Federal Government activities. The intention of this effort is 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. It is envisioned that any rule that would be promulgated in this area would not mandate a disposal method, but rather permit an alternative to existing disposal methods. (See SAN 4054 elsewhere in today’s Regulatory Agenda.) In this ANPRM, public comment will be solicited on application of such a rule to other low—activity radioactive wastes not currently regulated at the Federal level, and on possible non—

regulatory approaches to improved management. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of any rule that would follow this ANPRM.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/03	68 FR 65119
ANPRM Comment Period End	03/27/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4054.1. Split from RIN 2060—AH63.

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RIN: 2060—AL78

Environmental Protection Agency (EPA)

Proposed Rule Stage

Atomic Energy Act (AEA)

3406. TECHNICAL CHANGE TO DOSE METHODOLOGY FOR 40 CFR PART 190, SUBPART B AND 40 CFR 191, SUBPART A

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: The purpose of this action is to make a technical change to the dose methodology used in subpart A of 40 CFR 191, entitled Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High—Level Waste and

Transuranic Waste. The current methodology is outdated. The dose methodology used in the rule published on September 19, 1985, was based on the target organ approach recommended by the International Commission on Radiological Protection (ICRP) in report no. 2. Since that time science has progressed and a new methodology based on an effective dose equivalent approach is currently being recommended by the ICRP in report no.26. This action would update the 40 CFR 191, subpart A dose limits published in 1985 from the target organ to the state—of—the—art effective dose equivalent system. There would be no change in the level of protection, just the scientific methodology for determining compliance with the levels of protection established in 1985.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4003.

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RIN: 2060—AH90

**Environmental Protection Agency (EPA)
Atomic Energy Act (AEA)**

Final Rule Stage

3407. REVISION OF THE 40 CFR PART 194 WASTE ISOLATION PILOT PLANT COMPLIANCE CRITERIA

Priority: Substantive, Nonsignificant

Legal Authority: "106 Stat. 4777 as amended by the 1996 LWA Amendments"; PL 102—579; PL 104—201; "Waste Isolation Pilot Plant Land Withdrawal Act of 1992"

CFR Citation: 40 CFR 194.8(b)

Legal Deadline: None

Abstract: EPA is proposing several revisions to the compliance criteria in 40 CFR Part 194: (1) addition of a process for making minor changes to the provisions of the Compliance Criteria (194.6); (2) changes to the approval process for waste characterization programs at the Department of Energy transuranic (TRU) waste sites (194.8(b)); (3) changes to allow for submission of compliance applications and reference materials in alternative format (e.g., compact disk) (194.12 & 194.13); and replacement of the term "process knowledge" with "acceptable knowledge". The second item is the most significant change. Section 194.8(b) requires EPA to

inspect TRU waste sites on a waste stream basis, and to initiate a notice—and—comment process for each inspection. If a site receives our approval to ship a single waste stream or group of waste streams, that site cannot ship a different waste stream until we perform an additional 194.8(b) inspection. Based on actual site inspection experience, we have learned that for regulatory purposes emphasis is better placed on the processes used to characterize the wastes streams rather than on the particular waste streams themselves. Also, we had witnessed DOE's capacity to properly characterize numerous waste streams at different waste generator sites. On this basis, we are proposing to alter the waste characterization approval process so that only one approval would be issued per site. EPA will assign reporting requirements for waste characterization activities and specify any limitations that would necessitate additional inspections. The purpose of the proposed revisions to 194.8(b) is to achieve process and resources efficiencies while maintaining our confidence in DOE's technical

capability to characterize wastes destined for the Waste Isolation Pilot Plant.

Timetable:

Action	Date	FR Cite
NPRM	08/09/02	67 FR 51930
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4403.

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RIN: 2060—AJ07

**Environmental Protection Agency (EPA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**

Prerule Stage

3408. ENDOCRINE DISRUPTOR SCREENING PROGRAM; PRIORITY SETTING CRITERIA

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

RIN: 2070—AD59

3409. PESTICIDE WORKER PROTECTION RULE (SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: 7 USC 135

CFR Citation: 40 CFR Part 156; 40 CFR Part 170

Legal Deadline: None

Abstract: On August 21, 1992, the Environmental Protection Agency (EPA) issued final revisions to the Worker Protection Standards governing the protection of workers from agricultural pesticides. These revised regulations expand the scope of the standards to include not only workers performing hand labor operations in fields treated

with pesticides, but employees in forests, nurseries, and greenhouses and employees who handle (mix, load, apply, etc.) pesticides for use in these locations. The revised regulations became effective January 1, 1995, and are applicable to agricultural farm workers and pesticide handlers working on farms, forests, nurseries, and greenhouses. In 1995 and 1996, the standard was amended to address specific concerns of the regulation community. EPA is reviewing this regulation pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). The purpose of this review is to determine whether the rule should be continued without change, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). EPA has already solicited comment on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State,

or local government rules; and the degree to which technology, economic conditions or other relevant factors have changed since the rule was promulgated. We expect to announce the completion of this review and report its outcome in 2004. See EPA Docket ID number OPPT—2003—0115 at www.epa.gov/edocket.

Timetable:

Action	Date	FR Cite
Final Action 1	08/21/92	57 FR 38102
Begin Review	05/01/03	
Comment Period End	07/31/03	
End Review	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4789.

Sectors Affected: 111 Crop Production; 1114 Greenhouse, Nursery and Floriculture Production; 1131 Timber Tract Operations; 115 Support Activities for Agriculture and Forestry

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**Prerule Stage**

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RIN: 2070—AD66

Environmental Protection Agency (EPA)**Proposed Rule Stage****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****3410. PESTICIDES; DATA REQUIREMENTS FOR CONVENTIONAL CHEMICALS**

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136(a) to 136(y)

CFR Citation: 40 CFR 158

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 2687.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

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RIN: 2070—AC12

3411. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136(a) to 136(y)

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: EPA will update and revise its pesticide data requirements for antimicrobial products. The data requirements specify the data that are required for EPA to evaluate the registrability of a pesticide product. The revisions will also clarify the data requirements for all antimicrobials to reflect current practice.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4173.

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

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RIN: 2070—AD30

3412. PESTICIDES; DATA REQUIREMENTS FOR BIOCHEMICAL AND MICROBIAL PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: EPA will update the data requirements necessary to register a biochemical or microbial pesticide product. The revisions will codify data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for biochemical and microbial pesticides, including product chemistry and residue chemistry, toxicology and environmental fate and effects. The revision will not include plant incorporated protectants.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Additional Information: SAN 4596.

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

Proposed Rule Stage

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

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RIN: 2070—AD51

3413. ENDOCRINE DISRUPTER SCREENING PROGRAM; IMPLEMENTING THE SCREENING AND TESTING PHASE

Regulatory Plan: This entry is Seq. No. 108 in part II of this issue of the **Federal Register**.

RIN: 2070—AD61

3414. ACCEPTABILITY OF RESEARCH USING HUMAN SUBJECTS

Regulatory Plan: This entry is Seq. No. 107 in part II of this issue of the **Federal Register**.

RIN: 2070—AD57

3415. PESTICIDES; PROCEDURES FOR THE REGISTRATION REVIEW PROGRAM

Priority: Substantive, Nonsignificant

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

CFR Citation: 00 CFR NYD

Legal Deadline: None

Abstract: The Agency will establish procedures to implement section 3(g) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) which provides for periodic review of pesticide registrations. The goal of these regulations is to review a pesticide's registration every 15 years.

Timetable:

Action	Date	FR Cite
ANPRM	04/26/00	65 FR 24586
NPRM	09/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4170.

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

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RIN: 2070—AD29

3416. PESTICIDES; EMERGENCY EXEMPTION PROCESS REVISIONS

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

RIN: 2070—AD36

Environmental Protection Agency (EPA)

Final Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3417. PESTICIDES; TOLERANCE PROCESSING FEES

Priority: Other Significant

Legal Authority: 21 USC 346(a)

CFR Citation: 40 CFR 180

Legal Deadline: None

Abstract: In 1996, the Food Quality Protection Act amended the Federal Food, Drug, and Cosmetic Act to require EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying, leaving in effect, or revoking a tolerance or tolerance exemption. Since 1983 (the last time a cost analysis was conducted), factors such as expanded data requirements, changes in risk assessment methods, improvements in data base management and tracking systems, and the

increasing complexity of scientific review of petitions have resulted in costs substantially exceeding the fees currently charged. This rule will adjust the fee structure and fee amounts for tolerance actions.

Timetable:

Action	Date	FR Cite
NPRM Pesticides—Tolerance Processing Fees	06/09/99	64 FR 31039
Supplemental NPRM Processing Fees for Inert Ingredients	07/24/00	65 FR 45569
Supplemental NPRM Reopening of Comment Period	08/31/00	65 FR 52979
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4027.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

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RIN: 2070—AD23

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

Final Rule Stage

3418. PESTICIDE MANAGEMENT AND DISPOSAL; STANDARDS FOR PESTICIDE CONTAINERS AND CONTAINMENT**Priority:** Other Significant**Legal Authority:** 7 USC 136(q) "FIFRA sec 19"; 7 USC 136(a) "FIFRA sec 3"; 7 USC 136(w) "FIFRA sec 25"**CFR Citation:** 40 CFR 156; 40 CFR 165**Legal Deadline:** Final, Statutory, December 24, 1991, Final.

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

Timetable:

Action	Date	FR Cite
NPRM	02/11/94	59 FR 6712
Supp NPRM 1	10/21/99	64 FR 56918
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN 2659.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing; 11511 Support Activities for Crop Production; 42291 Farm Supplies Wholesalers

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RIN: 2070—AB95**3419. WPS; PESTICIDE WORKER PROTECTION STANDARD (WPS); GLOVE AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(w)**CFR Citation:** 40 CFR 170**Legal Deadline:** None

Abstract: This final rule would create greater flexibility in requirements of the 1992 Worker Protection Standard related to the use of gloves by workers and applicators.

Timetable:

Action	Date	FR Cite
NPRM	09/09/97	62 FR 47544
Final Action	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN 3731.

Sectors Affected: 111 Crop Production; 1114 Greenhouse, Nursery and Floriculture Production; 1131 Timber Tract Operations; 115 Support Activities for Agriculture and Forestry

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RIN: 2070—AC93**3420. 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, Final.

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 1	12/14/01	66 FR 64759
Final 2	04/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN 3892.

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

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RIN: 2070—AD14

Environmental Protection Agency (EPA)

Long-Term Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3421. PESTICIDE TOLERANCE REASSESSMENT PROGRAM**Priority:** Routine and Frequent**Legal Authority:** 21 USC 346(a)(to)(q)**CFR Citation:** 40 CFR 180**Legal Deadline:** Other, Statutory, August 3, 2006, Other.

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

Additional Information: SAN 4175. LEGAL DEADLINE CONT: EPA is required to complete reassessments on a phased schedule of: 33 percent by August 3, 1999; 66 percent by August 3, 2002; and 100 percent by August 3, 2006. The Agency will continue to assess pesticide tolerances throughout each year.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

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RIN: 2070-AD24

3422. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEINS**Priority:** Other Significant**Legal Authority:** 21 USC 346(a) et seq; 7 USC 136 et seq**CFR Citation:** 40 CFR 174**Legal Deadline:** None

Abstract: EPA is considering the addition of plant-incorporated protectants based on viral coat proteins to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to "prevent, repel or mitigate any pest". These substances are also "pesticide chemical residues" under the Federal Food, Drug, and Cosmetic Act (FFDCA). Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants based on viral coat proteins from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

Timetable:

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supp NPRM 1	07/22/96	61 FR 37891
Supp NPRM 2	05/16/97	62 FR 27132
Supp NPRM-RCAN	04/23/99	64 FR 19958
Final Resubmittal	07/19/01	66 FR 37855
Final Action	11/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN 4602.

This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting

this piece into a separate Agenda entry so that it can continue to be tracked separately.

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

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RIN: 2070-AD49**3423. PLANT-INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS****Priority:** Other Significant**Legal Authority:** 7 USC 136 et seq; 21 USC 346a et seq**CFR Citation:** 40 CFR 174**Legal Deadline:** None

Abstract: EPA is considering the addition of plant-incorporated protectants derived through genetic engineering from sexually compatible plants to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to "prevent, repel or mitigate any pest". These substances are also "pesticide chemical residues" under the Federal Food, Drug, and Cosmetic Act (FFDCA). Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants derived through genetic engineering from sexually compatible plants from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new

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

Long-Term Actions

scientific information, additional public comment on this proposal, originally published in 1994, was requested in a recent Supplemental Proposal (66 FR 37855).

Timetable:

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supplemental NPRM	08/20/01	66 FR 43552
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4611.

This action is a continuation of the action described in RIN 2070—AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

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

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RIN: 2070—AD55

3424. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT

Priority: Other Significant

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

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA is considering the addition of plant—incorporated

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4612.

This action is a continuation of the action described in RIN 2070—AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

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

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RIN: 2070—AD56

3425. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 7 USC 136(a) “FIFRA sec 3”; 7 USC 136(w)

CFR Citation: 40 CFR 152.170

Legal Deadline: None

Abstract: This regulation as proposed would establish Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority had an EPA—approved Plan specifying risk—reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities. Several parameters of the program described in the proposed rule are being reconsidered to determine whether the program can address water quality issues rather than ground—water only, and to determine the best partnership approach to implementation.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Federalism: Undetermined

Additional Information: SAN 3222.

Sectors Affected: 9241 Administration of Environmental Quality Programs

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RIN: 2070—AC46

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

Long-Term Actions

3426. PESTICIDES; EXEMPTION OF MEDICAL DEVICES TREATED WITH ANTIMICROBIAL PESTICIDES**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136; 7 USC 136a; 7 USC 136w**CFR Citation:** 40 CFR 152.20**Legal Deadline:** None**Abstract:** This action will exempt from the requirements of FIFRA medical devices treated with antimicrobial pesticides. EPA has determined that these treated medical devices are adequately regulated by the Food and

Drug Administration. This action would eliminate dual regulation of these products by EPA and FDA. EPA would continue to regulate the antimicrobial pesticide used to treat the medical device.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4609.**Sectors Affected:** 32619 Other Plastics Product Manufacturing; 31499 All Other Textile Product Mills**Agency Contact:** Melba Morrow, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7510C, Washington, DC 20460

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RIN: 2070—AD54

Environmental Protection Agency (EPA)

Completed Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3427. ENDANGERED SPECIES AND PESTICIDE REGULATION**Priority:** Substantive, Nonsignificant**CFR Citation:** 50 CFR 402**Completed:**

Reason	Date	FR Cite
Withdrawn	09/01/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Arty Williams
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Reason	Date	FR Cite
Withdrawn	10/20/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State**3428. PESTICIDE MANAGEMENT AND DISPOSAL****Priority:** Other Significant**CFR Citation:** 40 CFR 165**Agency Contact:** David Stangel

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RIN: 2020—AA33

Environmental Protection Agency (EPA)

Prerule Stage

Toxic Substances Control Act (TSCA)

3429. LEAD; REQUIREMENTS FOR LEAD—BASED PAINT ACTIVITIES IN TARGET HOUSING AND CHILD—OCCUPIED FACILITIES (SECTION 610 REVIEW)**Priority:** Info./Admin./Other**Legal Authority:** TSCA 402/404; 15 U.S.C. 2682; 15 U.S.C. 2684**CFR Citation:** 40 CFR 745 subpart L; 40 CFR 745 subpart Q**Legal Deadline:** None**Abstract:** In August, 1996, the Environmental Protection Agency (EPA) promulgated regulations under section 402 of the Toxic Substances Control Act (TSCA) to ensure that individuals conducting lead—based paint activities in target housing and child—occupied facilities are properly trained and certified, that training programs providing instruction in such activities

are accredited and that these activities are conducted according to reliable, effective and safe work practice standards. EPA also finalized a Federal regulation under section 404 of TSCA that allows States and Indian Tribes to seek authorization to administer and enforce the regulations developed under section 402 for the training and certification of individuals conducting LBP activities and the accreditation of training programs for LBP activities in 1996 (August 29, 1996, 61 FR 45778). EPA performed an analysis of the potential impacts on small entities and determined that this action is likely to have a modest adverse economic impact on a substantial number of small entities. The TSCA section 404 regulations became effective August 29, 1998. The final rule then provided for an additional phase—in period for the requirements for training program

accreditation, individual and firm certification, and work practice standards. Regulations for accreditation of training programs became effective on March 1, 1999. Regulations for certification of individuals and firms became fully effective on March 1, 2000. EPA is reviewing the 1996 regulation pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). The purpose of this review is to determine whether the rule should be continued without change, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with the provisions of the Toxic Substances Control Act (TSCA). EPA has already solicited comment on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State, or local government

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Prerule Stage

rules; and the degree to which technology, economic conditions or other relevant factors have changed since the rule was promulgated. We expect to announce the completion of that review and report its outcome in 2004. See EPA Docket ID number OPPT—2003—0015 at www.epa.gov/edocket.

Timetable:

Action	Date	FR Cite
Final Action 1	08/29/96	61 FR 45778
Begin Review	05/01/03	

Action	Date	FR Cite
Other/Comment	07/31/03	
Period End		
End Review	12/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4788.**Agency Contact:** Cindy Wheeler, Environmental Protection Agency, Office of Prevention, Pesticides and

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RIN: 2070—AD65

Environmental Protection Agency (EPA)

Proposed Rule Stage

Toxic Substances Control Act (TSCA)

3430. LEAD—BASED PAINT ACTIVITIES; TRAINING AND CERTIFICATION FOR RENOVATION AND REMODELING

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

RIN: 2070—AC83**3431. POLYCHLORINATED BIPHENYLS (PCBS); DISPOSAL OF PCBS; IMPLEMENTATION ISSUES**

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

Legal Authority: 15 USC 2607 “TSCA 6”**CFR Citation:** 40 CFR 761 (Revision)**Legal Deadline:** None

Abstract: This proposed regulation will clarify and expand on implementation issues that have arisen as a result of the publication of the 1998 PCB Disposal Amendments (63 FR 35384). Topics will include but not be limited to: Use authorizations; public participation process; appeals process; natural gas pipelines; testing and analysis; manifesting of PCB waste; publication process for validated alternate decontamination solvents; PCB analytical methods; and storage of dedicated PCB equipment. The action to authorize certain nonliquid PCB applications is also included in this action.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN 4597.

Sectors Affected: 31-33 Manufacturing; 81 Other Services (except Public Administration); 54 Professional, Scientific and Technical Services; 92 Public Administration; 53 Real Estate and Rental and Leasing; 48-49 Transportation; 22 Utilities; 562 Waste Management and Remediation Services

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Abstract: This regulatory action will eliminate exemptions under the Polymer Exemption Rule for certain polymers containing perfluoroalkyl sulfonate (PFAS), perfluoroalkyl carboxylates (PFAC), perfluoroalkyl—containing telomers, and other polymers containing perfluoroalkyl groups. Based on data on perfluorooctyl sulfonate (PFOS) and perfluorooctonic acid (PFOA), and other chemical substances containing perfluoroalkyl groups, EPA believes that these substances may persist in the environment, bioaccumulate, and be toxic. Certain polymers which contain PFAS, PFAC, perfluoroalkyl—containing telomers, or other substances with perfluoroalkyl groups, would no longer qualify for exemption from TSCA section 5 reporting.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 4635.

Sectors Affected: 325 Chemical Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 326 Plastics and Rubber Products Manufacturing

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EPA—Toxic Substances Control Act (TSCA)

Proposed Rule Stage

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RIN: 2070—AD58

3433. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of eight chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP), and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR’s research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. In addition, this action would require manufacturers and processors to develop data for these chemicals that will be used by EPA under the Clean Air Act (CAA) to evaluate residual risks from hazardous air pollutants (HAPs) on the list of HAPs in the CAA under section 112(f), 42 USC 7412(f) and sections 112(d and e). Data from this action would also be

used to support implementation of several provisions of section 112 of the CAA including, determining risks remaining after the application of technology based standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed (delisted) from section (b)(1) of the CAA list of HAPS.

Timetable:

Action	Date	FR Cite
NPRM	05/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 2563.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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RIN: 2070—AB79

3434. TEST RULE; DEVELOPMENTAL AND REPRODUCTIVE TOXICITY

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603; 15 USC 2607(a); 15 USC 2611; 15 USC 2625

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

Legal Deadline: None

Abstract: EPA is reproposing a test rule under section 4 of the Toxic Substances Control Act (TSCA) that would require manufacturers, defined by statute to include importers, and processors of seven substances to conduct testing for developmental and/or reproductive toxicity. EPA is also proposing reporting rules for two of the seven

substances. These rules would require the reporting of production volumes so it will be possible to determine when the testing program can be triggered for the two substances without causing a significant impact on revenues. This is a reproposal of a test rule announced March 4, 1991 (56 FR 9092).

Timetable:

Action	Date	FR Cite
NPRM (Original)	03/04/91	56 FR 9092
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4395.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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RIN: 2070—AD44

3435. TSCA INVENTORY UPDATE RULE REVISIONS

Priority: Other Significant

Legal Authority: 15 USC 2607(a) “TSCA 8(a)”

CFR Citation: 40 CFR 710

Legal Deadline: None

Abstract: In this follow—on action to the Inventory Update Rule Amendments (IURA) (RIN 2070—AC61) that was finalized in January 2003, EPA is making additional changes to the IUR to adjust the submission period, the reporting frequency, and the recordkeeping period, and to clarify language associated with petitioning to be partially exempt from reporting requirements and with reporting

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Proposed Rule Stage

information on imported materials. Additionally, certain technical corrections, such as removing obsolete regulatory text associated with IUR reporting that occurred in 2002 and correcting certain paragraph references will be included. EPA anticipates adverse comments on moving the submission period and therefore is first proposing these changes.

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: SAN 3301.1. Split from RIN 2070—AC61.

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

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RIN: 2070—AD63

3436. FOLLOW—UP RULES ON EXISTING CHEMICALS

Priority: Routine and Frequent

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

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

Legal Deadline: None

Abstract: EPA has established a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support planned or ongoing risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting of appropriate needed information by the

manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

Timetable:

Action	Date	FR Cite
NPRM—2—4 Original	09/27/89	54 FR 39548
NPRM—Chloranil	05/12/93	58 FR 27980
NPRM—Benzidine	08/30/95	60 FR 45119
Final—Benzidine	10/07/96	61 FR 52287
NPRM—Heavy	01/15/02	67 FR 1937
NPRM—2—4	12/00/04	
Final—Heavy	06/00/04	
NPRM—p—Aminophenol	06/00/04	
NPRM—2—Etho	12/00/04	
NPRM—Benzidine—amend	12/00/04	
NPRM—Methylcyclo	12/00/04	
NPRM—Certain Chemical Substances No Longer in Production	03/00/05	
NPRM—o—Tolodine	03/00/05	
Final—Benzidine—amend	12/00/05	
Final—Chloranil	06/00/05	
Final—Benzidine	12/00/05	
Final—2—4	12/00/05	
Final—Methylcyclo	12/00/05	
Final—Etho	12/00/05	
Final—Certain Substances	12/00/05	
Final—o—Tolodine	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 1923.

Sectors Affected: 32411 Petroleum Refineries; 325 Chemical Manufacturing

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RIN: 2070—AA58

3437. SIGNIFICANT NEW USE RULE; SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604 “TSCA 5”

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

Legal Deadline: None

Abstract: EPA is proposing a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals for use in residential upholstered furniture. The SNUR would require companies wanting to import or manufacture these chemicals for the significant new uses described in the proposed rule to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: SAN 4512.

Sectors Affected: 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing

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RIN: 2070—AD48

**Environmental Protection Agency (EPA)
Toxic Substances Control Act (TSCA)**
Final Rule Stage
3438. LEAD; NOTIFICATION REQUIREMENTS FOR LEAD—BASED PAINT ABATEMENT ACTIVITIES AND TRAINING
Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2682 “TSCA 402”; 15 USC 2687 “TSCA 407”

CFR Citation: 40 CFR 745

Legal Deadline: None

Abstract: EPA is issuing this rule under the authority of section 407 of the Toxic Substances Control Act (TSCA) to establish notification procedures for lead abatement professionals (certified under 40 CFR 745.226) conducting lead—based paint activities, and training programs (accredited under 40 CFR 745.225) providing lead—based paint activities courses. Specifically, this rule seeks to establish procedures to notify the Agency prior to commencement of lead—based paint abatement activities as required by 40 CFR 745.227(e)(4). In addition, this rule seeks to establish provisions which would require training programs accredited under 40 CFR 745.225 to notify the Agency under the following conditions (1) prior to providing lead—based paint activities, training and (2) following completion of lead—based paint activities courses. These notification requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track compliance activity and to prioritize inspections. This rule supports 40 CFR part 745, subpart L to ensure that lead abatement professionals who inspect, assess and remove lead—based paint, dust or soil are well qualified, trained, and certified to conduct these activities.

Timetable:

Action	Date	FR Cite
NPRM	01/22/01	66 FR 7207
Final Action	01/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4172.

Sectors Affected: 611519 Other Technical and Trade Schools

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RIN: 2070—AD31

3439. SIGNIFICANT NEW USE RULES; FOLLOW—UP RULES ON NON—5(E) NEW CHEMICAL SUBSTANCES
Priority: Routine and Frequent

Legal Authority: 15 USC 2604 “TSCA 5”

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical’s manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue significant new use rules (SNURs) requiring 90—day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the expedited follow—up rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3 to 4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

Timetable:

Action	Date	FR Cite
NPRM (84—1056)	06/11/86	51 FR 21199
NPRM (86—566)	12/08/87	52 FR 46496
NPRM	06/11/93	58 FR 32628
Final (84—1056)	01/00/04	
Final (86—566)	02/00/04	
Final Action	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 1976.

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

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RIN: 2070—AA59

3440. SIGNIFICANT NEW USE RULE (SNUR); CHEMICAL—SPECIFIC SNURS TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS
Priority: Routine and Frequent

Legal Authority: 15 USC 2604 “TSCA 5”

CFR Citation: 40 CFR 721

Legal Deadline: None

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

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the direct final publication process, are subject to notice and comment rulemaking and are listed below.

Timetable:

Action	Date	FR Cite
NPRM 1	05/27/93	58 FR 30744
NPRM 2	06/06/94	59 FR 29255
NPRM 3	12/19/94	59 FR 65289
NPRM 4	06/26/97	62 FR 34421
NPRM	09/09/98	63 FR 48157
Final 1	05/11/02	67 FR 17643
Final 2	05/00/04	
Final 3	05/00/04	
Final 4	08/00/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3495.

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

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RIN: 2070—AB27

3441. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)

Priority: Other Significant

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

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology—based emissions standards

to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right—to—know program given the large release of these chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112, EPA must identify the health and environment effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required to conduct a research program on the short— and long—term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3487.

Sectors Affected: 32411 Petroleum Refineries; 325 Chemical Manufacturing

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RIN: 2070—AC76

3442. TEST RULE; CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603; 15 USC 2611—12; 15 USC 2625—26

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: This rule will require testing and recordkeeping requirements for certain high production volume (HPV) chemicals (i.e., chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis). Although varied based on specific data needs for the particular chemical, the data generally collected under this rule may include: acute toxicity, repeat dose toxicity, developmental and reproductive toxicity; mutagenicity ecotoxicity, and environmental fate. The first rule proposed testing for 37 HPV chemicals with substantial worker exposure. The action is part of the Chemical Right—to—Know Initiative, which is described under RIN 2070—AD25.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81658
Final Action	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3990. See also the Regulatory Plan entry entitled Chemical Right—to—Know Initiative (RIN 2070—AD25; SAN 4176).

Sectors Affected: 32411 Petroleum Refineries; 325 Chemical Manufacturing

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Final Rule Stage

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RIN: 2070—AD16

3443. TEST RULE; IN VITRO DERMAL ABSORPTION RATE TESTING OF CERTAIN CHEMICALS OF INTEREST TO THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 “TSCA 4”; 15 USC 2611 “TSCA 12”**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

Abstract: EPA is requiring manufacturers (which is defined by statute to include importers) and processors of 38 chemical substances of interest to the Occupational Safety and Health Administration (OSHA) to conduct testing for in vitro dermal absorption rate. These chemicals, and others, were designated for in vitro dermal absorption rate testing in the 31st, 32nd, and 35th Reports of the TSCA section 4(e) Interagency Testing Committee (ITC) to the EPA. Each of the chemical substances included in this final rule is produced in an amount equal to or greater than one million pounds per year. In addition, each of the chemicals in this final rule was identified in the National Occupational Exposure Survey (NOES) as having a total potential worker exposure of greater than 1,000 workers. EPA has also determined that there are insufficient data or experience upon which the effects of the manufacture, processing and use of these chemicals on health can reasonably be determined or predicted and that testing of such substances with respect to such effects is necessary. OSHA has indicated that it needs quantitative measures of dermal absorption rate in order to evaluate the potential hazard of these chemicals to workers.

Timetable:

Action	Date	FR Cite
NPRM	06/09/99	64 FR 31074
Final Action	01/00/04	

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

Additional Information: SAN 4425. Please note that this entry was previously identified under RIN 2070—AB07. TSCA requires EPA to initiate

a rulemaking proceeding within one year of ITC designation or if such a proceeding is not initiated within one year, publish in the Federal Register EPA’s reason for not initiating such proceeding.

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RIN: 2070—AD42

3444. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES**Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(a) “TSCA 8(a)”**CFR Citation:** 40 CFR 712**Legal Deadline:** None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure—related data (EPA Form No. 7710—35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. These data will also support risk assessment and test rule decisions.

Timetable:

Action	Date	FR Cite
Final 37th ITC List	02/28/96	61 FR 7421
Final 38th ITC List	10/29/96	61 FR 55871
Final 38th ITC List—Stay	12/11/96	61 FR 65186
Final 38th—tech stay	01/07/98	63 FR 684
Final 38th ITC—rev	01/11/00	65 FR 1548
Final 39th ITC List	01/11/00	65 FR 1548
Final 41st ITC List	07/05/00	65 FR 41371
Final 42nd ITC List	07/24/00	65 FR 45535
Final 47th ITC List	07/26/01	66 FR 38955
Final 48th ITC List	06/11/03	68 FR 34832
Final 50th ITC List	06/11/03	68 FR 34832
Final 53rd ITC List	06/00/04	
Final 54th ITC List	11/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN 2178.**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Gerry Brown, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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RIN: 2070—AB08

3445. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES**Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(d) “TSCA 8(d)”**CFR Citation:** 40 CFR 716**Legal Deadline:** None

Abstract: These rules require manufacturers, importers and processors to submit unpublished health and safety data on chemicals added to the requirements of the Toxic Substances Control Act section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other

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EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee.

Timetable:

Action	Date	FR Cite
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 1139.

Sectors Affected: 32411 Petroleum Refineries; 325 Chemical Manufacturing

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RIN: 2070—AB11

3446. TSCA SECTION 8(E) POLICY; NOTICE OF CLARIFICATION

Priority: Substantive, Nonsignificant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The TSCA section 8(e) Notice of Clarification and Solicitation of Public Comment would change certain aspects of the 1978 TSCA section 8(e) Policy Statement. The 1978 Policy Statement describes the types of information that EPA considers reportable under section 8(e), the substantial risk reporting provision of TSCA, and describes the procedures for reporting such information to EPA. This clarification effort derives from a review of the existing section 8(e) guidance done in the context of questions raised by companies considering participating in the section 8(e) Compliance Audit Program (CAP). As a result of this review, EPA determined that parts of the 1978 Policy Statement concerning the reportability of information on widespread and previously unsuspected distribution in environmental media and emergency incidents of environmental contamination needed some refinement. The subject Federal Register action solicited comment on refined reporting guidance concerning widespread and previously unsuspected distribution in environmental media and provides additional circumstances where information is not reportable because it is considered known to the Administrator. Finally, the notice solicited comments on changes to the section 8(e) reporting deadline and the standards for claims of confidentiality

for information contained in a notice of substantial risk under section 8(e).

Timetable:

Action	Date	FR Cite
NPRM	07/13/93	58 FR 37735
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3118

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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RIN: 2070—AC80

Environmental Protection Agency (EPA)

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3447. 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, Final.

Abstract: The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan (MAP) to extend training and accreditation requirements to include persons performing certain

asbestos—related work in public or commercial buildings, to increase the minimum number of training hours required for accreditation purposes and to effect other changes necessary to implement the amendments.

Timetable:

Action	Date	FR Cite
Model Plan	05/13/92	57 FR 20438
Interim Final Rule	02/03/94	59 FR 5236
Final Action	05/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 3148.

Sectors Affected: 611519 Other Technical and Trade Schools

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RIN: 2070—AC51

3448. 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.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM	03/09/94	59 FR 11122
Final Action	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3252.

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RIN: 2070—AC21

3449. LEAD—BASED PAINT ACTIVITIES; TRAINING, ACCREDITATION, AND CERTIFICATION RULE AND MODEL STATE PLAN RULE — BRIDGES AND STRUCTURES

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

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

Legal Authority: 15 USC 2603 “TSCA 4”; PL 102—550 “sec 402”; PL 102—550 “sec 404”

CFR Citation: 40 CFR 745

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

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
Final Action	12/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 4376.

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

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RIN: 2070—AC64

3450. LEAD; MANAGEMENT AND DISPOSAL OF LEAD—BASED PAINT DEBRIS

Priority: Other Significant

Legal Authority: 15 USC 2682; 15 USC 2684; 42 USC 6901 to 6992

CFR Citation: 40 CFR 745

Legal Deadline: None

Abstract: Currently, waste derived from lead—based paint (LBP) abatements is managed under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Other Federal agencies (Department of Housing and Urban Development, Department of Health and Human Services) and several States and advocacy groups have expressed concern that the costs associated with the disposal of large volume architectural components (e.g., doors and windows) may interfere with abatement activities. EPA’s Office of Prevention, Pesticides and Toxic Substances and the Office of Solid Waste have initiated a joint rulemaking to address the disposal of these architectural components. This rulemaking would develop disposal standards for these components under

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the Toxic Substances Control Act (TSCA) title IV, (the definition of abatement under TSCA title IV, section 401(1)(B), includes disposal). The TSCA regulations would establish appropriate disposal standards for LBP architectural components and identify recycling and incineration activities that would be controlled or prohibited. To minimize duplication of waste management requirements, EPA is developing a companion RCRA rule to suspend temporarily hazardous waste management regulations applicable to lead-based paint debris which will be subject to the new TSCA standards.

Timetable:

Action	Date	FR Cite
NPRM	12/18/98	63 FR 70189
Comment Extension	02/12/99	64 FR 7159
Final Action	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 3508. See also RCRA companion rule: Temporary Suspension of Toxicity Characteristic Rule for Specified Lead-Based Paint Debris (SAN 14263; RIN 2050—AE68).

NPRM—

<http://www.epa.gov/fedrgstr/EPA—TRI/1998/December/Day—18/tri33326.htm>

Sectors Affected: 233 Building, Developing and General Contracting; 23332 Commercial and Institutional Building Construction; 23542 Drywall, Plastering, Acoustical and Insulation Contractors; 23592 Glass and Glazing Contractors; 23521 Painting and Wall Covering Contractors; 23511 Plumbing, Heating and Air-Conditioning Contractors; 23321 Single Family Housing Construction; 562111 Solid Waste Collection; 54138 Testing Laboratories; 23594 Wrecking and Demolition Contractors

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RIN: 2070—AC72

3451. 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. In addition, the interim procedural rules were amended to require certain petitioners to reapply for EPA approval to continue PCB activities previously approved by EPA.

Timetable:

Action	Date	FR Cite
NPRM	12/06/94	59 FR 62875
NPRM 1	09/17/02	67 FR 58567
Final 1	01/31/03	68 FR 4934
Final Action	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 2150.

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

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RIN: 2070—AB20

3452. TEST RULES AND ENFORCEABLE CONSENT AGREEMENTS UNDER THE TOXIC SUBSTANCES CONTROL ACT (GENERIC 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: EPA is requiring testing via rules, or will obtain testing through enforceable consent agreements (ECAs) or publish a notice which provides the reasons for not doing so for chemicals listed herein. These chemicals have been designated for priority testing consideration by the TSCA Interagency Testing Committee (ITC) or recommended for testing consideration (for which the 12-month statutory requirement does not apply). The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes.

Timetable:

Action	Date	FR Cite
ANPRM (Aryl Phos)	12/29/83	48 FR 57452
NPRM (BFRs)	06/25/91	56 FR 29140
NPRM (Aryl Phos)	01/17/92	57 FR 2138
Final Action—ECA (DBE)	08/05/99	64 FR 42692
Final Action—ECA (TCE)	06/15/00	65 FR 37550
Final Action—ECA (EDC)	06/03/03	68 FR 33125
Final Action—ECA (H.F.)	03/00/04	
Final Action—ECA (M.A.)	06/00/04	
Final Action—ECA (P.A.)	06/00/04	
Final Action—ECA (DEA)	09/00/04	
Final Action—ECA (ArylP)	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

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Government Levels Affected: Federal**Additional Information:** SAN 3493.**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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RIN: 2070—AB94**3453. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**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 four chemicals have been evaluated in the peer consultation process. 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	01/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN 2865.**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**

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RIN: 2070—AC27**3454. TEST RULE; CERTAIN METALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 "TSCA 4"; 15 USC 2611 "TSCA 12"; 15 USC 2625 "TSCA 26"**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

Abstract: 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 Agencies efforts to develop a framework for assessing potential risks from exposures to metals. This activity is intended to lead to EPA proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA). A test rule would require manufacturers and processors of certain metals (beryllium, chromium, manganese, mercury, nickel, and selenium) to fulfill data needs identified by the Agency for Toxic

Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP) and EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(I), the Clean Air Act (CAA) section 112 and other statutes requiring risk assessments, health assessments, permits, standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. Under CERCLA the Agency for Toxic Substances and Disease Registry (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 3882.**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**Agency Contact:** Robert Jones, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

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 RIN: 2070—AD10

3455. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES

Priority: Substantive, Nonsignificant
Legal Authority: 15 USC 2603; 15 USC 2611; 15 USC 2625
CFR Citation: 40 CFR 790 to 799
Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Notice To Solicit	06/00/05	
Notice ECA	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4174.

Sectors Affected: 32411 Petroleum Refineries; 325 Chemical Manufacturing

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RIN: 2070—AD28

3456. SIGNIFICANT NEW USE RULE; REFRACTORY CERAMIC FIBERS (RCFS)

Priority: Substantive, Nonsignificant
Legal Authority: 15 USC 2604 “TSCA 5”; 15 USC 2605 “TSCA 6”
CFR Citation: 40 CFR 704; 40 CFR 721
Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/21/94	59 FR 13294
Final Action	09/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3528.

Sectors Affected: 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

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RIN: 2070—AC37

3457. CHEMICAL RIGHT—TO—KNOW INITIATIVE; HIGH PRODUCTION VOLUME (HPV) CHEMICALS

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: The voluntary Chemical RTK Initiative was established in 1998 in response to the finding that most commercial chemicals have very little, if any, publicly available toxicity information on which to make sound judgments about potential risks. There are three key components to this initiative, each of which is being implemented by EPA. These are: collecting and making public screening level toxicity data for 2,800 widely used commercial chemicals; additional health effects assessment for chemicals to which children are substantially exposed; and the listing and lowering of thresholds for persistent, bioaccumulative, toxic chemicals reported to the Toxic Release Inventory (TRI). Although this Initiative is not a rulemaking, EPA has included it in the Regulatory Agenda to inform the public. The Initiative will involve several separate activities, with any regulatory related actions included as separate entries in the Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Notice	12/26/00	65 FR 81686
Initiative Completed	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4176. See also items identified under the following RINs 2070—AD09; 2070—AD38; RIN 2070—AD16; RIN 2070—AC27.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

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 RIN: 2070—AD25

3458. TSCA POLICY STATEMENT ON OVERSIGHT OF TRANSGENIC ORGANISMS (INCLUDING PLANTS)

Priority: Other Significant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

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

jurisdiction under TSCA over such transgenic organisms prior to their commercial use.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4598.

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RIN: 2070—AD53

3459. LEAD; AMENDMENTS TO REQUIREMENTS FOR DISCLOSURE OF KNOWN LEAD—BASED PAINT OR LEAD—BASED PAINT HAZARDS IN TARGET HOUSING

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

Legal Authority: 42 USC 4852d

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

Legal Deadline: None

Abstract: Amendments will clarify to which target housing transactions the rule applies; add or clarify definitions

of important terms; clarify the disclosure responsibilities of agents; clarify what information must be disclosed; clarify recordkeeping requirements to support enforcement; and will amend existing regulatory text to resolve some inconsistent interpretations and to incorporate interpretations that have been issued through guidance. The amendments will be developed jointly with the Department of Housing and Urban Development (HUD), which jointly administers and enforces the current requirements with EPA. Small businesses and state/local/tribal governments that sell or lease target housing will be affected in that they will need to become familiar with new/revised requirements that apply to these transactions. Overall burden is not expected to increase significantly.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Federalism: Undetermined

Additional Information: SAN 4777.

Sectors Affected: 53111 Lessors of Residential Buildings and Dwellings; 53121 Offices of Real Estate Agents and Brokers; 53131 Residential Property Managers; 92511 Administration of Housing Programs; 522292 Real Estate Credit

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RIN: 2070—AD64

**Environmental Protection Agency (EPA)
Emergency Planning and Community Right-to-Know Act (EPCRA)**

Proposed Rule Stage

3460. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR THE METAL MINING ACTIVITIES OF EXTRACTION AND BENEFICIATION

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

Legal Authority: 42 USC 11001 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The Toxics Release Inventory (TRI) currently requires reporting from metal mining facilities if they manufacture or process 25,000 pounds or more of a listed chemical or otherwise use 10,000 pounds or more of a listed chemical. These mining facilities engage in the removal of naturally occurring materials from the earth. EPA had considered naturally occurring materials to be manufactured by natural processes. A recent court order set aside EPA's interpretation of manufacture stating that naturally occurring ores can not be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN 4616.

URL For More Information:

www.epa.gov/tri

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RIN: 2025-AA11

3461. 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	02/00/04	
Final Action	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4692. TRI has not converted to NAICS so the Standard Industrial Classification (SIC) Codes are listed: SIC Code 10 Metal Mining (except SIC codes 1011, 1081, and 1094), SIC Code 12 Coal Mining (except SIC code 1241), SIC Code 20-39 Manufacturing, SIC Codes 4911, 4931, and 4939 Electric Utilities (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce), SIC Code 4953 Commercial Hazardous Waste Treatment (limited to facilities regulated under the RCRA, subtitle C, 42 U.S.C. section 6921 et seq.), SIC Code 5169 Chemicals and Allied Products-Wholesale, SIC Code 5171 Petroleum Bulk Terminals and Plants, SIC Code 7389 Solvent Recovery Services (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis).

URL For More Information:

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RIN: 2025-AA12

Environmental Protection Agency (EPA)

Final Rule Stage

Emergency Planning and Community Right-to-Know Act (EPCRA)

3462. TRADE SECRECY CLAIMS FOR EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW INFORMATION; AND TRADE SECRET DISCLOSURES TO HEALTH PROFESSIONALS; AMENDMENT**Priority:** Info./Admin./Other**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048**CFR Citation:** 40 CFR 350.16; 40 CFR 350.17; 40 CFR 350.27**Legal Deadline:** None

Abstract: On July 29, 1988, EPA published the procedures for claims of trade secrecy made by facilities reporting under sections 303(d)(2) and (d)(3), 311, 312, and 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), codified in 40 CFR part 350, including where to mail these claims. EPA also published the trade secrecy substantiation forms in the final rule. This rule amends the regulations published in 1988 to change the location to submit claims and appeals. This rule also amends the regulations to remove the substantiation forms for trade secrecy claims.

The regulations promulgated in July 1988 allows EPA to disclose to authorized representatives including contractors and subcontractors to EPA who perform work for EPA in connection with EPCRA regulations. For handling trade secret claims, EPA has contracted to a private firm, and this contract is recompleted every three years. Section 350.16 lists the address of the contractor location which is now outdated, this action will reflect this change. Another revision will be to change EPA's address in section 350.17 since EPA is at a new location. The last revision is to remove the substantiation form in section 350.27 and make it available on the program office's website. This is needed since the Office of Management and Budget (OMB) approves the form every three years during the renewal of Information Collection Requirement submitted under the Paperwork Reduction Act. The date that appears on the form for OMB approval is also outdated. Since the address to mail the trade secrecy claims and the OMB approval date may change periodically, the Agency has decided to refer to the program offices website for this informaion.

This action will not raise any regulatory burden on any entities

subject to the requirements under 40 CFR part 350, it is only informing the public of the changes.

Timetable:

Action	Date	FR Cite
NPRM	11/14/03	68 FR 64726
Direct Final Action	11/14/03	68 FR 64719

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4781.

Sectors Affected: 325 Chemical Manufacturing; 32511 Petrochemical Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing

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RIN: 2050-AF10**3463. TRI; RESPONSES TO PETITIONS RECEIVED TO ADD OR DELETE OR MODIFY CHEMICAL LISTINGS ON THE TOXIC RELEASE INVENTORY**

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

Legal Authority: 42 USC 11013 "EPCRA 313"

CFR Citation: 40 CFR 372**Legal Deadline:** None

Abstract: This is an ongoing action to cover all chemical petitions received by the TRI Program. These actions grant or deny petitions received to add or delete or modify chemicals on the list of toxic chemicals under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA) that are subject to reporting under the Toxic Chemical Release Reporting Rule. The actions cover individual chemicals or groups of chemicals for which petitions have been received.

Timetable:

Action	Date	FR Cite
Notice—DBNPA	10/27/95	60 FR 54949
NPRM—Diisononyl phthalate	09/05/00	65 FR 53681
Report—Alloys	08/22/01	66 FR 44107
Final—DBNPA	08/00/04	
Response—Acetonitrile	09/00/04	
Response—Chromium Antimony Titanate	09/00/04	
Final—Diisononyl Phthalate	02/00/05	
Response—Nitrogen Tetroxide	03/00/05	
Response—19 Volatile Corrosion Inhibitor Chemicals	To Be Determined	

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

Additional Information: SAN 2425. 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:

www.epa.gov/tri

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RIN: 2025-AA00

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA)

Final Rule Stage

3464. TOXIC CHEMICAL RELEASE REPORTING USING NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS)**Priority:** Info./Admin./Other**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 372**Legal Deadline:** None

Abstract: The Office of Management and Budget (OMB) published a Federal Register Notice of final decision (62 FR 68) to adopt the North American Industry Classification System (NAICS) for the United States. This rulemaking initiates the conversion from TRI Reporting using Standard Industrial Classification (SIC) codes to TRI Reporting using NAICS codes. The TRI Program will convert to NAICS without producing any changes in the facilities

that are now subject to TRI reporting. Therefore, there should be no increased burden resulting from this action.

Timetable:

Action	Date	FR Cite
NPRM	03/21/03	68 FR 13872
Final Action	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4595.

Sectors Affected: 212 Mining (except Oil and Gas); 221 Utilities; 562 Waste Management and Remediation Services; 422 Wholesale Trade, Nondurable Goods

URL For More Information:

www.epa.gov/tri

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RIN: 2025-AA10

Environmental Protection Agency (EPA)

Long-Term Actions

Emergency Planning and Community Right—to—Know Act (EPCRA)

3465. 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' awareness of chemical hazards; to facilitate the development of State and local emergency response plans; and to aid communities and emergency response officials in preparing for and responding to emergencies safely and effectively. By proposing to provide relief from routine reporting of substances with minimal hazards and minimal risk, state and local officials can focus on chemicals that may pose more significant hazard or may present greater risks to the community.

Timetable:

Action	Date	FR Cite
NPRM	06/08/98	63 FR 31268
Supplemental NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN 3215.

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RIN: 2050-AE17

3466. RESPONSE TO A PETITION REQUESTING DELETION OF PHOSMET FROM THE EXTREMELY HAZARDOUS SUBSTANCES (EHS) LIST**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048**CFR Citation:** 40 CFR 355**Legal Deadline:** None

Abstract: EPA has received a petition requesting that phosmet be removed from the list of Extremely Hazardous Substances (EHS) list under the Emergency Planning and Community Right—to—Know Act (EPCRA). The petitioner claims that phosmet does not meet the acute toxicity criteria for listing. EPA has proposed a rule to

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA)

Long-Term Actions

delete the chemical from the EHS list and is seeking public comment on the acute toxicity data reviewed and EPA's proposal.

EPA considered conducting additional toxicity testing to solve a dispute involving some questionable toxicity data. However, the petitioner conducted new tests; the results of which EPA considered in its decision to propose a deletion of the chemical.

Since the action involves delisting phosmet (a pesticide) from a regulated list of chemicals, EPA anticipates no additional costs on regulated entities, which include the petitioner, distributors of pesticides and farm uses of the pesticides. This action, if finalized, would reduce the regulatory burden for facilities that handle phosmet onsite, as well as Local Emergency Planning Committees, of complying with the emergency planning and notification requirements for the chemical phosmet under EPCRA sections 302, 303, and 304.

Timetable:

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64041
NPRM Comment Period End	01/12/04	
Final Action	02/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3994.

Sectors Affected: 42291 Farm Supplies Wholesalers; 11133 Noncitrus Fruit and Tree Nut Farming; 111421 Nursery and Tree Production

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RIN: 2050—AE42

3467. 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 a very conservative 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 to revise the TPQ for solids in solution and seek comment on an alternative approach based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). Use of this experimental data would likely raise the TPQ for solids in solution and result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under Section 302—304 of the Emergency Planning and Community Right—to—Know Act (EPCRA). EPA will 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	12/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: SAN 4753.

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RIN: 2050—AF08

3468. TRI; REVIEW OF CHEMICALS ON THE ORIGINAL TRI LIST

Priority: Other Significant

Legal Authority: 42 USC 1101 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: When TRI was established by Congress in 1986, the statutory language placed 309 chemicals and 20 categories of chemicals on the TRI list; that is referred to as the original TRI list. The chemicals on the original list were taken from two existing lists of toxic substances: the Maryland Chemical Inventory Report List of Toxic or Hazardous Substances, and the New Jersey Environmental Hazardous Substances list. This action constitutes the first systematic review of toxicology and environmental data for all the chemicals on the original TRI list to determine whether data for those chemicals conform with the statutory criteria for listing of chemicals on TRI. Chemicals for which data do not meet the statutory criteria will be delisted.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4015. Formerly listed as RIN 2070—AD18.

AFFECTED SECTORS: 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

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5171); and Solvent Recovery Services (SIC code 7389).

URL For More Information:

www.epa.gov/tri

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RIN: 2025-AA03

3469. TRI; REVISIONS TO THE OTHERWISE USE ACTIVITY EXEMPTIONS AND THE COAL EXTRACTION ACTIVITIES EXEMPTION

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 11001 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The Toxics Release Inventory (TRI) requires reporting from facilities that manufacture or process at least 25,000 pounds of a listed non—PBT chemical, or otherwise use 10,000 pounds of a listed non—PBT chemical. The activity thresholds are lower for listed PBT chemicals. In determining amounts of listed chemicals that are manufactured, processed or otherwise used, facilities may consider specific exemptions from reporting. EPA is presently reviewing a group of these exemptions. The categories of exemptions presently being reconsidered by EPA are the personal use exemption, and the motor vehicle maintenance exemption. Also known as otherwise use exemptions because they are limited to otherwise use activities, these exemptions are expressly provided for at 40 CFR 372.38(c). EPA is also considering changes to the coal mining extraction activities exemption provided for at 40 CFR 372.38(g).

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4265. Formerly listed as RIN 2070—AD39. By Statute and Regulation, this rule will affect SIC codes 20—39, 10 (except SIC codes 1011, 1081, 1094), 12 (except SIC code 1241), 4911, 4931, 4939, 4953, 5169, 5171, and 7389.

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RIN: 2025-AA06

3470. TRI; POLLUTION PREVENTION ACT INFORMATION REQUIREMENTS

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 11013 “Pollution Prevention Act”

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: Section 6607(b) of the Pollution Prevention Act of 1990 (PPA) (Pub. L. 101—508) requires the addition of several data elements to the Toxic Chemical Release Inventory (TRI) reporting requirements as promulgated under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (Pub. L. 99—499). Section 313 of EPCRA requires owners or operators of certain facilities that manufacture, process, or otherwise use listed toxic chemicals to annually report their releases of these

chemicals to each environmental medium. The PPA mandates that section 313 covered facilities also report on source reduction and recycling activities relating to the toxic chemicals beginning with the 1991 reporting year. Since 1991 covered facilities have been providing this information to EPA in section 8, Source Reduction and Recycling Activities, of EPA Form R. On September 25, 1991 (56 FR 48475), EPA proposed regulations which would provide definitions and instructions for reporting the PPA data elements on the EPA Form R. In this action, EPA will amend certain aspects of the September 25, 1991, proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48475
Notice of receipt Response	03/31/99	64 FR 15324
Supplemental NPRM	To Be Determined	To Be Determined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 2847. Formerly listed as RIN 2070—AC24. Affected Sectors Include: 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:

www.epa.gov/tri

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RIN: 2025-AA09

Environmental Protection Agency (EPA)**Completed Actions****Emergency Planning and Community Right-to-Know Act (EPCRA)****3471. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT; EXTREMELY HAZARDOUS SUBSTANCES LIST; MODIFICATION OF THRESHOLD PLANNING QUANTITY FOR ISOPHORONE DIISOCYANATE****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 355**Completed:**

Reason	Date	FR Cite
Final Action	09/02/03	68 FR 52978

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Sicy Jacob

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RIN: 2050-AE43**3472. TRI; CHEMICAL EXPANSION; FINALIZATION OF DEFERRED CHEMICALS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 40 CFR 372**Completed:**

Reason	Date	FR Cite
Withdrawn	09/09/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State**Agency Contact:** Daniel Bushman

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RIN: 2025-AA01**Environmental Protection Agency (EPA)****Proposed Rule Stage****Resource Conservation and Recovery Act (RCRA)****3473. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6912(a)

"RCRA 6002(e)"

CFR Citation: 40 CFR 247**Legal Deadline:** None

Abstract: RCRA section 6002 and E.O. 13101 require EPA to prepare guidelines in the Federal Register which designate items that are or can be made with recovered materials and to issue recommendations for government procurement of these items. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. Government procurement of EPA-designated items containing recovered materials fosters markets for recovered materials and, thereby, closes the recycling loop. To date, EPA has designated 54 items under three Comprehensive Procurement Guidelines (CPG1, CPG2 and CPG3). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG which provides recommendations on buying the designated items. The E.O. requires EPA to update the CPG every two years. EPA will propose item designations in CPG5. Shortly afterwards, EPA will issue final item designations in CPG4. EPA recently

published a Notice of Data Availability for a prospective designation of nylon carpet.

Timetable:

Action	Date	FR Cite
Notice-PPRMA	06/08/98	63 FR 31214
Notice-RMAN1	06/08/98	63 FR 31217
NPRM	08/26/98	63 FR 45558
Final-CPG3-RMAN3	01/19/00	65 FR 3069
Notice-RMAN4	01/19/00	65 FR 3082
NPRM-CPG4-RMAN4	08/28/01	66 FR 45256
Notice	07/16/03	68 FR 42040
NPRM-CPG5	12/00/03	
Final-CPG4-RMAN4	01/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN 3545.**Sectors Affected:** 92111 Executive Offices; 92119 All Other General Government**Agency Contact:** Susan Nogas, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, 5306W, Washington, DC 20460

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RIN: 2050-AE23**3474. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS****Regulatory Plan:** This entry is Seq. No. 110 in part II of this issue of the Federal Register.**RIN:** 2050-AE81**3475. REVISIONS TO SOLID WASTE LANDFILL CRITERIA-LEACHATE RECIRCULATION ON ALTERNATIVE LINERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949a**CFR Citation:** 40 CFR 258**Legal Deadline:** None

Abstract: EPA plans to propose a rule to allow leachate recirculation over alternative liner systems which meet the performance standard specified by the municipal solid waste landfill (MSWLF) criteria. The performance determination would be made by the state director of an approved MSWLF program. EPA also plans to propose a new section to the MSWLF criteria which will allow the alternative of clean closure of landfills rather than require the installation of a landfill cap, which would allow the solid waste in the MSWLF to be totally removed from the site and be properly disposed of at another site. Finally, EPA plans to propose an additional factor to 258.54 for determining the frequency of

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ground water monitoring for the detection monitoring program specified in this subpart. The additional factor for consideration concerns liner performance where there is some direct system for determining liner performance. However, the minimum monitoring frequency would still be no less than once a year as stated in the existing regulation.

The Federal role is to establish minimum protective criteria (part 258). This proposal will allow additional flexibility for facility managers of municipal landfills to achieve compliance with the criteria. By providing additional flexibility this proposal will reduce potential costs while providing alternative means of environmental protection.

Timetable:

Action	Date	FR Cite
NODA	04/06/00	65 FR 18014
NPRM	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: SAN 4230.

Sectors Affected: 562 Waste Management and Remediation Services

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RIN: 2050—AE67

3476. INCREASE METALS RECLAMATION FROM F006 WASTE STREAMS

Regulatory Plan: This entry is Seq. No. 111 in part II of this issue of the Federal Register.

RIN: 2050—AE97

3477. 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	08/00/04	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4778.

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RIN: 2050—AF06

3478. LAND DISPOSAL RESTRICTIONS: DETERMINATION OF EQUIVALENT TREATMENT FOR MACROENCAPSULATION OF RADIOACTIVE LEAD SOLIDS; DEFINITION OF MACROENCAPSULATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924

CFR Citation: 40 CFR 268.42

Legal Deadline: None

Abstract: EPA anticipates taking action to grant a national determination of equivalent treatment petition at the request of the Department of Energy. Currently the use of containers is prohibited for the disposal of radioactive lead solids by regulations at 40 CFR 268.42. This necessitates the segregation and separation of radioactive lead solids from other debris. Containers of high density polyethylene (HDPE) can be constructed that provide a resistant barrier to degradation by the wastes and materials into which it may come into contact after disposal. Revision of current regulation will be required to allow the use of such HDPE containers for waste primarily consisting of radioactive lead solids. We believe these changes in disposal practices will promote more efficient cleanup of contaminated sites by removing a regulatory distinction between radioactive lead solids and other forms of hazardous debris, reduce worker exposures, and promote further advancement in new technologies for disposal. The use of containers are expected to be less costly than extrusion coatings and, therefore, this action would be cost neutral to cost beneficial to the Department of Energy and other generators of radioactive lead solids.

Timetable:

Action	Date	FR Cite
NPRM	05/00/04	
Direct Final Rule	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4743.

Action is of equivalent regulatory stringency. States and Tribes will not be required to adopt rule.

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RIN: 2050—AF12

3479. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS

Regulatory Plan: This entry is Seq. No. 109 in part II of this issue of the **Federal Register**.

RIN: 2050—AE01

3480. • REGULATORY AMENDMENTS TO THE F019 HAZARDOUS WASTE LISTING TO EXCLUDE THE WASTEWATER TREATMENT SLUDGES FROM THE CHEMICAL CONVERSION COATING PROCESS (ZINC PHOSPHATING) OF AUTOMOBILE BODIES OF ALUMINUM

Regulatory Plan: This entry is Seq. No. 113 in part II of this issue of the **Federal Register**.

RIN: 2050—AG15

3481. • RCRA INCENTIVES FOR PERFORMANCE TRACK MEMBERS

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

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 279

Legal Deadline: None

Abstract: The Performance Track program provides recognition and incentives for facilities that demonstrate to the Agency that they are top environmental performers. Performance Track is a voluntary, facility based program that reviews applicants twice a year for conformance to four core criteria. These criteria are: a commitment to continuous improvement, a well—functioning Environmental Management system in place for at least one year, a solid record of compliance, and a commitment to community outreach and annual public reporting. Currently there are about 320 members in Performance Track. In this action, EPA plans to propose permit modifications, performance based standards for tanks and generator standards, and reduced duplication between RCRA and CAA standards. These incentives will be available only to facilities that are members of the Performance Track program. Should a facility choose to leave the program, any regulatory benefits they receive will no longer be available. Performance Track facilities commit to environmental improvements that reach beyond regulatory compliance, and as such benefits are quantifiable via each member facilities' annual report, and in aggregate through EPA's progress reports on the program. In EPA's first

Performance Track progress report, member facilities collectively reduced: energy use by 1.1 million mmBtus, water use by 475 million gallons, hazardous materials use by 908 tons, emissions of volatile organic compounds (VOCs) by 329 tons, emissions of air toxics by 57 tons, emission of nitrogen oxides (NOx) by 152 tons, discharges to water of biochemical oxygen demand (BOD), chemical oxygen demand (COD), and total suspended solids (TSS) by 1,227 tons, toxic discharges to water 5,543 tons, solid waste by 150,000 tons, and hazardous waste by 692 tons.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4828.

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RIN: 2090—AA34

Environmental Protection Agency (EPA)

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3482. STANDARDIZED PERMIT FOR RCRA HAZARDOUS WASTE MANAGEMENT FACILITIES

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

RIN: 2050—AE44

3483. MANAGEMENT OF CEMENT KILN DUST (CKD)

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

RIN: 2050—AE34

3484. METHODS INNOVATION RULE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922;

42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6936; 42 USC 6937; 42 USC 6938; 42 USC 6939; 42 USC 6974; 42 USC 9601; 42 USC 9614(c)

CFR Citation: 40 CFR 258; 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270; 40 CFR 279

Legal Deadline: None

Abstract: EPA's process for releasing analytical methods through the SW—

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846 methods compendium which support the RCRA program, has been through publishing FR notices and taking public comment. SW—846 methods are widely used, but the majority of the methods are not required by any particular regulation. Therefore, EPA has proposed a streamlined process for releasing analytical methodologies to the public, while also promoting the Performance Base Measurement Approach in the Methods Innovation Proposed Rule (MIR) (FAR: 67FR 66252 (October 30, 2002)). The comment period was extended until February 28, 2003. In addition EPA has been working to break down the barriers that the environmental monitoring community faces when trying to use new monitoring techniques. As a first step, EPA has accelerated its review process for new methods by eliminating several unnecessary internal review steps. However, there are currently 32 citations in title 40 of the Code of Federal Regulations (CFR) where the use of SW—846 methods is required. As a second step for speeding up the approval process, EPA proposed to remove the requirements to use SW—846 methods for other than method defined parameters (i.e., where the method defines the regulations, such as the Toxicity Characteristic Leaching Procedure) from 40 CFR. This action will likely lead to an even more streamlined approval process since SW—846 will then be able to be handled strictly as guidance and not need the regulatory process for approval. This additional streamlining will permit new, more cost—effective methods to attain public and regulatory authority acceptance in much less time, allowing required monitoring to be done more cheaply, faster and, in some cases, more accurately. The MIR and previous method packages have been exempt from OMB review and SBREFA analysis due the nature of the guidance and it's voluntary use.

Since many advances have occurred in waste sampling strategies since initial guidance was published in 1984, along with the proposal EPA has announced the availability of a new guidance document for public comment entitled, "RCRA Waste Sampling Draft Technical Guidance." One main advantage to releasing the guidance is that the document provides new approaches to waste sampling, with real life examples which we expect will lead to improved

ability to characterize waste streams. We believe that the release of this MIR and Waste Sampling Guidance will be widely accepted by the regulated, scientific, and academic community because they provide state of the art approaches for determining hazardous waste and sampling characteristic techniques.

Timetable:

Action	Date	FR Cite
NPRM	10/30/02	67 FR 66252
Final Action	03/00/04	

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

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 3989.

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RIN: 2050—AE41

3485. RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS FOR MUNICIPAL SOLID WASTE LANDFILL

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949a; 42 USC 6981(a)

CFR Citation: 40 CFR 258.4

Legal Deadline: None

Abstract: EPA is considering adding a new section to the Criteria for Municipal Solid Waste Landfills (MSWLF) to allow directors of approved states to issue research, development, and demonstration (RD&D) permits for landfill operations at variance with some parts of the criteria, as long as it is demonstrated that these operations will not result in an increased risk to human health and the environment. Variances for location restrictions, design standard groundwater monitoring, corrective action requirements, the financial assurance criteria, and most operational controls would not be allowed by this action. EPA is considering this alternative to stimulate new technologies and alternatives in the landfilling of municipal solid waste.

This additional flexibility may reduce potential costs while providing opportunities for innovative technologies that protect human health and the environment.

Timetable:

Action	Date	FR Cite
NODA	04/06/00	65 FR 18014
NPRM	06/10/02	67 FR 39662
Final Action	12/00/03	

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

Government Levels Affected: State, Local

Additional Information: SAN 4588. Split from RIN 2050—AE67.

Sectors Affected: 562 Waste Management and Remediation Services

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RIN: 2050—AE92

3486. HAZARDOUS WASTE MANIFEST REGULATION

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

RIN: 2050—AE21

3487. OFFICE OF SOLID WASTE BURDEN REDUCTION INITIATIVE

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

RIN: 2050—AE50

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3488. 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 subsectors, but many users use small numbers of wipes with small amounts of solvents on them.

This proposed regulation, upon finalization, 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 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

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN 4091.

Sectors Affected: 325 Chemical Manufacturing; 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 441 Motor

Vehicle and Parts Dealers; 812 Personal and Laundry Services; 323 Printing and Related Support Activities; 811 Repair and Maintenance; 336 Transportation Equipment Manufacturing

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RIN: 2050—AE51**3489. RECYCLING OF CATHODE RAY TUBES (CRTS) AND MERCURY—CONTAINING EQUIPMENT: CHANGES TO HAZARDOUS WASTE REGULATIONS**

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

RIN: 2050—AE52**3490. REVISIONS TO THE DEFINITION OF SOLID WASTE****Priority:** Other Significant**Legal Authority:** 42 USC 6903“RCRA sec 1004”**CFR Citation:** 40 CFR 261.2**Legal Deadline:** None

Abstract: Under RCRA, to be a hazardous waste, a material must also be a solid waste. EPA’s framework for determining whether a material is a solid waste is based on what the material is, and how it’s managed (e.g., how it is used, reused, etc.). For materials being recycled, RCRA jurisdiction is complex, and the history of legal decisions related to the definition of solid waste is extensive (AMC I, API I, AMC II, ABR, API II, etc.). In response to American Mining Congress v. EPA, 824 F. 2d 1177(D.C. Cir. 1987) (AMC I) and one of the most recent decisions, the Association of Battery Recyclers, v. EPA 208 F.3d 1047 (2000) (ABR), EPA proposed to revise the definition of solid waste. The proposed rule specifically addressed materials undergoing reclamation. In the context of reclamation, we discussed options for how to distinguish materials that are discarded from materials that remain in use in a continuous industrial process and we proposed a definition of “continuous industrial process.” Generally, we believe that removing the specter of

RCRA control where it is not necessary can spur increased reuse and recycling of hazardous waste, and will lead to better resource conservation and improved materials management overall.

Timetable:

Action	Date	FR Cite
NPRM	10/28/03	68 FR 61558
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Additional Information: SAN 4670. Nominated for reform in OMB’s Report to Congress on the Costs and Benefits of Regulations, Appendix A to revise the definition of solid waste rule to grant an exemption from RCRA for materials destined for recycling or reuse. OMB has given it a medium priority level.

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RIN: 2050—AE98**3491. PROJECT XL — ORTHO—MCNEIL PILOT PROJECT ALLOWING ON—SITE TREATMENT OF LOW—LEVEL MIXED WASTES WITHOUT RCRA PERMIT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938**CFR Citation:** 40 CFR 261**Legal Deadline:** None

Abstract: This site—specific rulemaking would allow Ortho—McNeil Pharmaceutical (OMP) to treat small volumes of low—level mixed

EPA—Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

wastes on—site using a bench—scale catalytic oxidizing treatment unit as an alternative to long—term storage and off—site transportation and land disposal at a Nuclear Regulatory Commission (NRC)—licensed, Resource Conservation and Recovery Act permitted Treatment, Storage and Disposal Facility. This treatment effectively destroys the organic component of the wastestream, yielding a residual that is only a low—level radioactive waste and can be disposed at an NRC—licensed low—level radioactive waste disposal facility. OMP is also working with various companies to develop and test recovery technologies that could be used in lieu of disposal.

Timetable:

Action	Date	FR Cite
NPRM	07/24/01	66 FR 38395
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4439.

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RIN: 2090—AA14

3492. PROJECT XL SITE—SPECIFIC RULEMAKING FOR ANNE ARUNDEL COUNTY MILLERSVILLE LANDFILL, SEVERN, MARYLAND

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6907; 42 USC 6912; 42 USC 6945; 42 USC 6949

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: Anne Arundel County proposes to demonstrate that a bioreactor with an alternative liner system is as effective or superior to a bioreactor with the standard composite liner currently allowed by regulations. The main goal of this project is to deliver superior environmental performance by capturing the additional airspace gained by accelerated decomposition of the waste. This benefits the County and its citizens by prolonging the life of the landfill and thereby postponing the siting of new solid waste management facilities with their attendant social, environmental, and economic impacts.

Timetable:

Action	Date	FR Cite
NPRM	05/13/03	68 FR 25550
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN 4534.

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RIN: 2090—AA25

3493. PROJECT XL SITE—SPECIFIC RULEMAKING FOR THE IBM SEMICONDUCTOR MANUFACTURING FACILITY IN HOPEWELL JUNCTION, NEW YORK

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

CFR Citation: 40 CFR 261.4(a)

Legal Deadline: None

Abstract: This rulemaking provides a site—specific exclusion from the regulatory definition of solid waste for certain wastewater treatment sludges (otherwise designated as Hazardous Waste No. F006) when they are used as ingredients in the production of cement. Without this exclusion, the sludges being legitimately recycled as substitutes for raw materials would remain subject to hazardous waste regulatory requirements, including the need for a storage permit by the cement manufacturer, which is a major disincentive to recycling the sludges in this manner. This XL project tests the presumption that these sludges can be safely recycled without regulatory oversight.

Timetable:

Action	Date	FR Cite
NPRM	06/06/01	66 FR 30349
Supplemental NPRM	04/14/03	68 FR 18042
Final Action	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4565.

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RIN: 2090—AA29

**Environmental Protection Agency (EPA)
Resource Conservation and Recovery Act (RCRA)**
Long-Term Actions
**3494. STANDARDS FOR THE
MANAGEMENT OF COAL
COMBUSTION WASTES —
NONPOWER PRODUCERS AND
MINEFILLING**

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

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

Legal Authority: 42 USC 6907(a)(3); 42
USC 6944

CFR Citation: 40 CFR 257

Legal Deadline: None

Abstract: This action is for the
development of nonhazardous 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
nonutility combustors. Nonutility
combustors are commercial, industrial,
and institutional facilities that burn
coal in boilers to generate steam. The
regulations will also apply to mine
facilities where any coal combustion
wastes are managed, (i.e., backfilled
into mined areas). This action results
from EPA's regulatory determination for
fossil fuel combustion wastes (see 65
FR 32214, May 22, 2000), in which the
Agency concluded that coal combustion
wastes could pose significant risks to
human health and the environment if
they are not properly managed. As
described in the regulatory
determination, there is sufficient
evidence that adequate controls may
not be in place. The intended benefits
of this action will be to prevent
contamination or damage to ground
waters and surface waters, thereby
avoiding risk to human health and the
environment, including ecological risks.
The Agency has completed information
collection efforts and is currently
analyzing this information. The Agency
will also analyze the human health and
ecological 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 undressed.
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	07/00/05	

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected: Federal,
Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 4469.
This rule may also impact Federal,
State, local or tribal governments that
own/operate coal—burning facilities
(excluding facilities that primarily
generate electric power for sale) or coal
mines that accept coal combustion
wastes.

Sectors Affected: 325 Chemical
Manufacturing; 2121 Coal Mining;
22112 Electric Power Transmission,
Control and Distribution; 311 Food
Manufacturing; 337 Furniture and
Related Product Manufacturing; 62
Health Care and Social Assistance; 322
Paper Manufacturing; 331 Primary
Metal Manufacturing; 313 Textile Mills;
336 Transportation Equipment
Manufacturing

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RIN: 2050—AE83

**3495. REGULATION OF HAZARDOUS
OIL—BEARING SECONDARY
MATERIALS FROM PETROLEUM
REFINING INDUSTRY AND OTHER
HAZARDOUS SECONDARY
MATERIALS PROCESSED IN A
GASIFICATION SYSTEM TO PRODUCE
SYNTHESIS GAS—FINAL RULE**

Priority: Other Significant

Legal Authority: 42 USC 6905; 42 USC
6912(a); 42 USC 6921; 42 USC 6922;
42 USC 6923; 42 USC 6924; 42 USC
6925; 42 USC 6926; 42 USC 6927; 42
USC 6930; 42 USC 6934; 42 USC 6935;
42 USC 6937; 42 USC 6938; 42 USC
6939; 42 USC 6974

CFR Citation: 40 CFR 260; 40 CFR 261

Legal Deadline: None

Abstract: The U.S. Environmental
Protection Agency (EPA) is considering
finalizing revisions to the RCRA
hazardous regulations to exclude oil—
bearing secondary materials, generated
by the petroleum refining industry and
others, from the definition of solid
waste if the materials are destined to
be processed in a gasification device
manufacturing synthesis gas fuel. We
are considering this exclusion in order
to clarify and simplify RCRA
jurisdiction, and to be consistent with
other comparable existing exclusions.

Timetable:

Action	Date	FR Cite
NPRM	03/25/02	67 FR 13684
Final Action	01/00/06	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal,
State

Additional Information: SAN 4411.
This is an extension of a previous
notice that contained the following RIN
2050—AD88.

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EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

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RIN: 2050-AE78

3496. RCRA BURDEN REDUCTION INITIATIVE, PHASE 2

Priority: Other Significant

Legal Authority: 42 USC 6907; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937 to 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104—13

CFR Citation: 40 CFR 260.31; 40 CFR 261.4; 40 CFR 261.38; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56; 40 CFR 265.73; 40 CFR 265.98 et seq; 40 CFR 266.103; 40 CFR 268.7, 268.9; 40 CFR 270.16, 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, Local, State, Tribal

Additional Information: SAN 4735.

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RIN: 2050-AF01

3497. E—CYCLING PILOT PROJECT FOR REGION 3 STATES (ECOS); STREAMLINING RCRA REGULATIONS TO ENCOURAGE REUSE, RECYCLING, AND RECOVERY OF ELECTRONIC EQUIPMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

CFR Citation: 40 CFR 261.4(a)(24); 40 CFR 261.40

Legal Deadline: None

Abstract: This project is the result of an Environmental Council of States (ECOS) partnership agreement that EPA Region 3 entered into with the six State environmental agencies. As part of the partnership agreement, the region agreed to prepare a regional rule and to expedite its promulgation by using the direct final rulemaking process. By using this innovative approach to have a regional e—Cycling Pilot Project, EPA Region 3 and the Mid—Atlantic States (DE, DC, MD, PA, VA, WV) will be able to provide additional information about EPA's national proposed cathode ray tube (CRT) exclusion from the definition of solid waste. (CRTs are the video display components of televisions and computer monitors.) The regional e—Cycling Pilot Project could serve as a model for electronic recycling nationwide and the States believe that the recycling program will function effectively as a result of this regulatory flexibility.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/26/02	67 FR 78718
Withdrawal of Direct Final Rule	02/24/03	68 FR 8553
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN 4701.

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RIN: 2003-AA00

3498. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO PETROLEUM CONTAMINATED MEDIA AND DEBRIS FROM UNDERGROUND STORAGE TANKS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6921 “RCRA 3001”

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: In the final hazardous waste toxicity characteristic (TC) rule published in June 1990, EPA decided to temporarily defer application of the TC rule to petroleum—contaminated media and debris, such as soils and groundwater, that result from underground storage tank (UST) corrective actions. This rule is part of the Agency's commitment to make a final determination regarding the UST temporary deferral. The temporary deferral was, in part, based on the Agency's concern that without such a deferral, UST cleanup procedures would be adversely affected, resulting in delays in remedial action and increases in remediation costs. Since this action is deregulatory, there are no adverse effects on small businesses, or on State, local, or tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	02/12/93	58 FR 8504
Final Action	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 3189.

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RIN: 2050-AD69

EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

3499. LISTING DETERMINATION AND LDR FOR WASTES GENERATED DURING THE MANUFACTURE OF AZO, ANTHRAQUINONE, AND TRIARYLMETHANE DYES AND PIGMENTS**Priority:** Other Significant**Legal Authority:** 42 USC 6921 “RCRA 3001”; 42 USC 9602 “CERCLA 102”**CFR Citation:** 40 CFR 148; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 271; 40 CFR 302**Legal Deadline:** NPRM, Judicial, November 10, 2003, NPRM. Final, Judicial, February 15, 2005, Final.

Abstract: This action is mandated by the 1984 Hazardous and Solid Waste Amendments and a consent decree (EDF v. Browner, Civil Action No. 89—0598, D.D.C.). This action addresses the potential human health and environmental risks posed by wastes from the manufacture of dyes and pigments, and determines whether these wastes should be listed as hazardous wastes under the Resource Conservation and Recovery Act (RCRA) to control any potentially unacceptable risks. If listed under RCRA, these wastes would also be added to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Upon evaluation of risk assessment modeling results, we will propose whether or not to list the wastes of concern. If relevant, we may include contingencies to focus the listing on particular waste management practices. If we determine that these wastes warrant listing, we will provide the benefit of protecting human health and the environment. At the same time, we plan to provide specific risk—reduction goals for industry, which, if met, will significantly reduce the regulatory burden associated with the listing determination. As of August 2003, we have not yet quantified potential costs associated with this rule. Depending on how the proposal is structured, there may be some small business impacts.

The current action is a reproposal of prior actions. We proposed listing decisions for most of the targeted wastes in 1994, and several other wastes in 1999. The 1994 and 1999 proposals were incomplete because they did not contain information claimed to be confidential by industry (the data are subject to an injunction

prohibiting their release). The current action does not rely on the contested data and will replace the 1994 and 1999 proposals. The reproposal will also identify land disposal restrictions for the wastes of concern.

The current action is targeted on wastes from the manufacture of dyes and pigments, with specific emphasis on certain product classes (azos, anthraquinones, triarylmethanes). Manufacturers of these products will need to assess their wastes to determine whether they meet the final listing definitions.

Timetable:

Action	Date	FR Cite
NPRM—Dyes1	12/22/94	59 FR 66072
NPRM—Dyes2	07/23/99	64 FR 40192
NPRM	11/00/04	
Final Action	02/00/05	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN 3066.**Sectors Affected:** 325132 Organic Dye and Pigment Manufacturing

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RIN: 2050—AD80**3500. REVISION OF WASTEWATER TREATMENT EXEMPTIONS FOR HAZARDOUS WASTE MIXTURES.****Priority:** Other Significant**Legal Authority:** 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924; 42 USC 6926**CFR Citation:** 40 CFR 261.3(a)(2)(iv)(A) to (G)(Revision)**Legal Deadline:** None**Abstract:** This revision to the wastewater treatment exemptions for

hazardous waste mixtures has been proposed to address inconsistencies in the regulations, as well as provide regulatory relief. Current EPA mixture rule exemptions have not kept up with more recent additions to solvent listings, Clean Air Act regulations, wastewater treatment technology, and policies affecting other hazardous wastes. Therefore, the need exists for a Federal deregulatory solution to resolve these inconsistencies. It is estimated that this rule, if finalized, will save \$11 to 49 million in compliance costs. EPA proposed to add two solvents (benzene and 2—ethoxyethanol) to the hazardous waste exemptions for mixtures of spent solvents in wastewater treatment plants (headworks rule) at 40 CFR 261.3(a)(2)(iv)(A) — (B). EPA proposed not to take action on two other solvents, 2—nitropropane and 1,1,2—trichloroethane. In addition, EPA has proposed (1) changing the implementation of the rule from using mass balance only, to choice of using direct monitoring; (2) revising the types of facilities and the types of wastes eligible for the de minimis exemption under section 261.3(a)(2)(iv)(D); and clarifying the applicability of the exemption to scrubber waters from the incineration of spent solvents. Facilities affected by this action include industrial facilities with on—site wastewater treatment plants, commercial wastewater treatment facilities, and certain Federal facilities.

Timetable:

Action	Date	FR Cite
NPRM	04/08/03	68 FR 17233
Final Action	01/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN 4501.

This rule has been nominated for reform in OMB’s Report to Congress on the Costs and Benefits of Regulation, Appendix A. OMB has given it a high priority level.

Sectors Affected: 31-33 Manufacturing; 562 Waste Management and Remediation Services**URL For Public Comments:** www.epa.gov/edocket**Agency Contact:** Lisa Lauer, Environmental Protection Agency,

EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

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RIN: 2050—AE84

3501. REVISIONS FOR TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6901 et seq
CFR Citation: 40 CFR 262 subpart H
(Revision)

Legal Deadline: None

Abstract: The Agency is considering changing the existing regulation 40 CFR 262 Subpart H, which regulates transboundary movement of hazardous waste within all countries that are members of the Organization for Economic Cooperation and Development (OECD). This is in response to the fact that there is now approximately \$30 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 30 OECD countries) had a different system for controlling the exports and imports of waste, including recyclables, the international recycling market was not as efficient as it could be. A more streamlined, uniform system for exports and imports will also increase recycling and lessen disposal. The United States was actively involved in the negotiation of a legally-binding OECD multilateral agreement to create a more streamlined system. OECD Member countries are then obligated to transfer the terms of the multilateral agreement to their domestic regulations in order for the multilateral agreement to have legal authority. This regulation would be amended to comply with changes passed by the OECD Council. Existing waste lists may be restructured to comply with the new OECD waste lists.

As such, previously existing waste lists may be renamed according to adopted OECD terminology. Shipments of small waste amounts destined for laboratory analysis may be exempted from filing certain paperwork requirements that are otherwise required. A certificate of recovery may be required upon final recovery of wastes and timeframes for recovery operations may be changed to reflect the decisions made by the OECD Council. This needs to have a Federal solution because international exports and imports are overseen at the Federal level due to the foreign powers authority clause.

Many alternatives were considered by government and industry during the intensive negotiations on the legally binding multilateral agreement, with the U.S. having a great deal of influence over which alternatives were in the final agreement. The Agency plans to codify the streamlining provisions of the OECD multilateral agreement, regulating exporters and importers of waste recyclables.

Exporters and importers of waste recyclables will need to implement the international uniform procedures of the OECD multilateral agreement, however these costs will be less than would be needed to deal with 30 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	12/00/04	
Direct Final Rule	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4606.

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RIN: 2050—AE93

3502. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Priority: Other Significant

Legal Authority: 42 USC 6912(a)
“RCRA 2002(a)”; 42 USC 6924 “RCRA
3004”; 42 USC 6925 “RCRA 3005”; 42
USC 6926 “RCRA 3006”

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—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM Original	07/01/91	56 FR 30201
NPRM	10/12/94	59 FR 51523
Notice	12/00/04	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN 2647.

Sectors Affected: 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 33299 All Other Fabricated Metal Product Manufacturing; 333999 All Other General Purpose Machinery

Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 331311 Alumina Refining; 4411 Automobile Dealers; 323110 Commercial Lithographic Printing; 334 Computer and Electronic Product Manufacturing; 22111 Electric Power Generation; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 325193 Ethyl Alcohol Manufacturing; 221112 Fossil Fuel Electric Power Generation; 45431 Fuel Dealers; 4471 Gasoline Stations; 811111 General Automotive Repair; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 33271 Machine Shops; 56292 Materials Recovery Facilities; 333319 Other Commercial and Service Industry Machinery Manufacturing; 32551 Paint

and Coating Manufacturing; 32511 Petrochemical Manufacturing; 42271 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 325211 Plastics Material and Resin Manufacturing; 323114 Quick Printing; 22132 Sewage Treatment Facilities; 48422 Specialized Freight (except Used Goods) Trucking, Local; 311942 Spice and Extract Manufacturing; 336 Transportation Equipment Manufacturing; 56211 Waste Collection; 56221 Waste Treatment and Disposal

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RIN: 2050—AC71

Environmental Protection Agency (EPA)

Completed Actions

Resource Conservation and Recovery Act (RCRA)

3503. CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES AND CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS: DISPOSAL OF RESIDENTIAL LEAD—BASED PAINT WASTE

Priority: Substantive, Nonsignificant**CFR Citation:** 40 CFR 257; 40 CFR 258**Completed:**

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

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

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RIN: 2050—AE86

3504. MUNICIPAL SOLID WASTE LANDFILL LOCATION RESTRICTIONS FOR AIRPORT SAFETY

Priority: Info./Admin./Other**CFR Citation:** 40 CFR 258.10**Completed:**

Reason	Date	FR Cite
Withdrawn	10/08/02	67 FR 62647

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

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RIN: 2050—AE91

3505. RECYCLED USED OIL CONTAINING PCBS: AMENDMENTS

Priority: Substantive, Nonsignificant**CFR Citation:** 40 CFR 261; 40 CFR 279**Completed:**

Reason	Date	FR Cite
Final Action	07/30/03	68 FR 44659

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State

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RIN: 2050—AF07

3506. LAND DISPOSAL RESTRICTIONS; TREATMENT STANDARDS FOR SPENT POTLINERS FROM PRIMARY ALUMINUM REDUCTION (K088) AND REGULATORY CLASSIFICATION OF K088 VITRIFICATION UNITS

Priority: Other Significant**CFR Citation:** 40 CFR 268; 40 CFR 271**Completed:**

Reason	Date	FR Cite
Withdrawn	09/02/03	

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

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RIN: 2050—AE65

EPA—Resource Conservation and Recovery Act (RCRA)

Completed Actions

3507. AMENDMENT TO PROJECT XL RULEMAKING AND FINAL PROJECT AGREEMENT (FPA) FOR NEW ENGLAND UNIVERSITIES LABORATORIES**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 262**Completed:**

Reason	Date	FR Cite
Withdrawn	09/09/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State**Agency Contact:** George Frantz

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RIN: 2090—AA32

Environmental Protection Agency (EPA)

Proposed Rule Stage

Comprehensive Environmental Response, Compensation and Liability Act

3508. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 9605
“CERCLA 105”**CFR Citation:** 40 CFR 300.425**Legal Deadline:** None

Abstract: This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
Final 20	03/06/98	63 FR 11332
NPRM 24	03/06/98	63 FR 11340
Final 21	07/28/98	63 FR 40182
NPRM 25	07/28/98	63 FR 40247
Final Tex—Tin	09/18/98	63 FR 49855
Final 22	09/29/98	63 FR 51848
NPRM 26	09/29/98	63 FR 51882
Final 23	01/19/99	64 FR 2942
NPRM 27	01/19/99	64 FR 2950
NPRM Midnight Mine	02/16/99	64 FR 7564
NPRM 28	04/23/99	64 FR 19968
Final 24	05/10/99	64 FR 24949
NPRM Alameda	05/10/99	64 FR 24990
Final 25	07/22/99	64 FR 39878
NPRM 29	07/22/99	64 FR 39886
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
Final 26	02/04/00	65 FR 5435
NPRM 31	02/04/00	65 FR 5468
Final 28	05/11/00	65 FR 30482
NPRM 32	05/11/00	65 FR 30489
Final 29	07/27/00	65 FR 46096
NPRM 33	07/27/00	65 FR 46131
NPRM	08/24/00	65 FR 51567

Alabama/Malone

Action	Date	FR Cite
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 Rule Adding 19 Sites	09/05/02	67 FR 56757
NPRM 38	09/05/02	67 FR 56794
Final Action	04/30/03	68 FR 23077
NPRM	02/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN 3439.

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RIN: 2050—AD75**3509. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES****Priority:** Other Significant**Legal Authority:** 42 USC 9602 to 9603**CFR Citation:** 40 CFR 302 (Revision)**Legal Deadline:** None

Abstract: The Agency is considering proposing corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F— and K— waste streams and entries in appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in table 302.4, appendix A to section 302.4, and the table in section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in table 302.4.

Timetable:

Action	Date	FR Cite
NPRM	05/00/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined

Additional Information: SAN 4737. The Agency is considering additional corrections not covered in a prior Error Correction Rulemaking (67 FR 45314, 7/9/02) and expected to generate comment from the public.

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RIN: 2050—AF03**3510. STANDARDS AND PRACTICES FOR CONDUCTING “ALL APPROPRIATE INQUIRY”**

Regulatory Plan: This entry is Seq. No. 112 in part II of this issue of the **Federal Register**.

RIN: 2050—AF04

EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage

**3511. REVISE 40 CFR PART 35
SUBPART O: COOPERATIVE
AGREEMENTS AND SUPERFUND
STATE CONTRACTS FOR
SUPERFUND RESPONSE ACTIONS**

Priority: Other Significant

Legal Authority: 42 USC 9601 to 9675

CFR Citation: 40 CFR 35 subpart O

Legal Deadline: None

Abstract: 40 CFR part 35 subpart O is the Superfund Administrative Regulation that governs awarding of Superfund cooperative agreements (CAs) to States, Indian tribes, and territories of the United States. Subpart O covers State—lead, site—specific cooperative agreements for non—time—critical removal, preremedial, remedial, and enforcement actions, and site—specific management assistance for federal—lead projects. Also covered by subpart O are non—site—specific Core Program and Voluntary Cleanup Program State infrastructure development, as well as Brownfields pilots, and Brownfields assessments. The requirements for Superfund State contracts, financial administration, property, procurement, reporting, recordkeeping, and closeout are provided in subpart O.

Subpart O was promulgated 6/5/1990, and became effective on 7/5/1990. Many changes in the Superfund

program have occurred over the past almost ten years and these need to be reflected in subpart O. The six categories of CAs presently used in subpart O need greater flexibility to accommodate the new types of CAs that have developed. For example, the number of Block Funding Reform pilots, begun in 1997, to consolidate several of the cooperative agreements offered in subpart O, has grown to about 16 for fiscal year 2000, and have generated at least 60 approved deviation requests from subpart O and 40 CFR part 31. These pilot projects offer considerable administrative relief to States, tribes, and EPA by reducing reporting requirements, broadening scope changes without amendment, increasing the ability to move monies within and among CAs, and relaxing application requirements regarding site—specific identification of cooperative agreement funds to certain activities, while maintaining site—specific drawdown requirements needed for cost recovery and Superfund accounting. Subpart O also needs to be conformed with part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements).

EPA expects to institutionalize the combining of CA types, create more flexible reporting requirements, permit greater scope changes without

amendment, provide more flexible money movement within and among CAs, and promote other policy advances in State/tribal/EPA interaction.

Timetable:

Action	Date	FR Cite
NPRM	05/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4177.

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RIN: 2050—AE62

Environmental Protection Agency (EPA)
Long-Term Actions
Comprehensive Environmental Response, Compensation and Liability Act

**3512. REPORTABLE QUANTITY
ADJUSTMENTS FOR CARBAMATES
AND CARBAMATE—RELATED
HAZARDOUS WASTE STREAMS;
REPORTABLE QUANTITY
ADJUSTMENT FOR INORGANIC
CHEMICAL MANUFACTURING
PROCESS WASTE (K178)**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9602(a); 42 USC 11004

CFR Citation: 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: EPA has listed carbamate waste streams as hazardous wastes under the Resource Conservation and Recovery Act (RCRA). RCRA listed wastes, by statute, automatically become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability

Act (CERCLA) and are assigned a one pound statutory reportable quantity (RQ) until EPA adjusts them. These substances also become subject to reporting requirements under the Emergency Planning and Community Right—to—Know Act (EPCRA) with a one pound threshold. EPA proposed RQ adjustments for the carbamates. Most RQ adjustments are greater than one pound. Raising the RQs for these substances would decrease the burden on: (1) The regulated community for complying with the reporting requirements under CERCLA and EPCRA; (2) Federal, State, and local authorities for program implementation; and (3) Federal, State, or local authorities, if they release hazardous substances at the RQ level or greater.

In addition, we proposed an RQ adjustment for the inorganic chemical

manufacturing process waste (K178)(66 FR 58258, 11/20/01).

Timetable:

Action	Date	FR Cite
NPRM	12/04/03	68 FR 67916
Final Action	02/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3423.

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RIN: 2050—AE12

EPA—Comprehensive Environmental Response, Compensation and Liability Act **Long-Term Actions**

3513. CRITERIA FOR THE DESIGNATION OF HAZARDOUS SUBSTANCES UNDER CERCLA SECTION 102(A)**Priority:** Other Significant**Legal Authority:** 42 USC 9602**CFR Citation:** 40 CFR 302.4**Legal Deadline:** None

Abstract: This action will address the development of evaluation criteria for the designation of substances as hazardous under CERCLA. It is necessary to develop evaluation criteria because the Agency has the authority under CERCLA 102(a) to designate substances as hazardous; however, the Agency does not have criteria to do so. To date the only substances designated as CERCLA hazardous substances are as a result of their appearance on other Acts' lists defined under CERCLA 101(14). Using CERCLA designation criteria the Agency may establish CERCLA hazardous substances independently from other Acts, in the interest of public health and the environment.

The purpose of this action is to have well thought-out criteria for designating hazardous substances that may be applied to individual substances for evaluation and decision as to whether or not the substance should be appropriately designated a

CERCLA 102(a) hazardous substance. The Agency already has the authority to designate substances as hazardous; in this action, criteria will be developed to implement that authority.

Timetable:

Action	Date	FR Cite
ANPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4201.

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RIN: 2050—AE63**3514. ADMINISTRATIVE REPORTING EXEMPTION FOR CERTAIN AIR RELEASES OF NOX****Priority:** Other Significant**Legal Authority:** 42 USC 9603**CFR Citation:** 40 CFR 302.6(c)**Legal Deadline:** None

Abstract: The Agency is considering proposing to administratively exempt

from reporting requirements the releases of certain NOx emissions to air. This would eliminate reports from facilities emitting NOx where the Agency has determined that the releases pose little or no risk or to which a Federal response is infeasible or inappropriate. Requiring reports of such releases would serve little or no useful purpose and could, instead, impose a significant burden on the Federal response system and on the persons responsible for notifying the Federal Government of the release.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN 4736.

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RIN: 2050—AF02

Environmental Protection Agency (EPA)
Comprehensive Environmental Response, Compensation and Liability Act
Completed Actions**3515. CLARIFICATION TO INTERIM STANDARDS AND PRACTICES FOR ALL APPROPRIATE INQUIRY UNDER CERCLA AND NOTICE OF FUTURE RULEMAKING ACTION****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 312**Completed:**

Reason	Date	FR Cite
Final Action	05/09/03	68 FR 24888

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

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RIN: 2050—AF05

Environmental Protection Agency (EPA)
Clean Water Act (CWA)
Prerule Stage**3516. WATER QUALITY STANDARDS FOR INDIAN COUNTRY WATERS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 33 USC 1251 et seq**CFR Citation:** 40 CFR 131; 40 CFR 121.17 (New); 40 CFR 122.4

(Amended); 40 CFR 123.1 (Amended); 40 CFR 131.4 (Amended); 40 CFR 131.40 (New); 40 CFR 230.10 (Amended); 40 CFR 233.1 (Amended); 40 CFR 233.51 (Amended)

Legal Deadline: None

Abstract: EPA is preparing an advanced notice of proposed rulemaking (ANPRM) for Federal water quality standards for waters in Indian country for signature in November 2003. EPA will publish the ANPRM in the Federal Register and mail a copy of it to each State and tribe. The

EPA—Clean Water Act (CWA)

Prerule Stage

ANPRM will be a notice published in the Federal Register that describes the situation and requests comment on specific issues and possible regulatory text that EPA could use to promulgate Federal water quality standards for Indian country waters that do not currently have water quality standards in place under the Clean Water Act. Without applicable standards, the Clean Water Act's mechanisms for protecting water quality in Indian country are limited. The notice will openly and objectively present options and issues and will not predetermine any outcome. The notice will be detailed enough that all parties can see what provisions EPA is contemplating and lead to thorough discussion of issues involved. The notice will pose specific questions about the issues such as: (1) Should EPA promulgate "core" standards? Individually tailored standards?; (2) For tribes who wish to develop their own plan for establishing standards, which is preferred: an "opt out" or an "opt in" approach for Federal standards?; (3) Are there waters where absence of water quality standards is preventing a solution to water quality problems?; and (4) What are the potential impacts of having and not having water quality standards in place in Indian country? A Federal promulgation would not prevent tribes from developing and adopting their own federally approved water quality standards where possible.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN 4344.

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RIN: 2040—AD46

3517. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR MUNICIPAL WASTEWATER TREATMENT DURING WET WEATHER CONDITIONS — PROPOSED POLICY

Priority: Substantive, Nonsignificant**Legal Authority:** 33 USC 1251 et seq**CFR Citation:** 40 CFR 122.41(m)**Legal Deadline:** None

Abstract: During periods of wet weather, wastewater flows received by municipal sewage treatment plants can significantly increase, which can create operational challenges for sewage treatment facilities. Where peak flows approach or exceed the design capacity of a treatment plant they can seriously reduce treatment efficiency or damage treatment units. In addition to hydraulic concerns, wastewater associated with peak flows may have low organic strength, which can also decrease treatment efficiencies. EPA plans to invite comment on a proposed policy. The proposed policy will provide a proposed interpretation of National Pollutant Discharge Elimination System (NPDES) permit requirements for peak wet weather discharges from a publicly owned treatment works (POTWs) that are comprised of effluent routed around biological treatment units and blended with the effluent from the biological units (or other advanced treatment units) prior to discharge, where the final discharge would meet permit effluent limitations based upon the secondary treatment regulations and any more stringent limitations necessary to meet water quality standards. Regulatory agencies, municipal operators of POTWs, and representatives of environmental advocacy groups have expressed uncertainty about the appropriate regulatory interpretation for such situations. EPA's intention would be that implementation of the proposed policy would ensure that NPDES requirements be applied in a nationally—consistent manner that improves the capacity, management, operation and maintenance of POTW treatment plants and collection systems.

Timetable:

Action	Date	FR Cite
Draft Policy	12/00/03	
Final Policy	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** SAN 4690.**Sectors Affected:** 22132 Sewage Treatment Facilities**URL For More Information:** www.epa.gov/npdes

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RIN: 2040—AD87

3518. SEWAGE SLUDGE ROUND I

Priority: Info./Admin./Other**Legal Authority:** Section 405(d) and (e) of the Clean Water Act; 33USC 1345(d) and (e) as amended; 5 USC 610**CFR Citation:** 40 CFR 503**Legal Deadline:** None

Abstract: On February 19, 1993 (58 FR 9248), EPA promulgated standards for the use or disposal of sewage sludge for the three major sewage sludge management practices of land application, surface disposal, and incineration. The part 503 standards impose sewage sludge quality requirements on sewage sludge preparers and management practices on land applicators of sewage sludge. The standards also have monitoring, recordkeeping, and reporting requirements. Small entities are subject to these standards. Small entities are defined as wastewater treatment plants that treat domestic sewage with wastewater flow capacities of less than one million gallons per day (MGD), septage pumpers and haulers, and sewage sludge preparers and treaters that process and subsequently

EPA—Clean Water Act (CWA)

Prerule Stage

use/dispose of less than 290 dry metric tons of sewage sludge per year. On August 4, 1999 (64 FR 42551) the Part 503 standards were amended. One of the amendments allowed the permitting authority, at their discretion, to reduce the frequency of monitoring requirements for all wastewater treatment plants including small entities. EPA performed a Regulatory Flexibility Analysis when the standards were promulgated in 1993 which indicated that the rule could have a significant impact on a substantial number of small entities. EPA then used this analysis to develop the rule in a way that mitigated small entity impact to the extent possible while still fulfilling the Clean Water Act's section 405(d) mandate to protect public health and the environment with an adequate margin of safety. EPA is now initiating a review of the rule under section 610 of the Regulatory Flexibility Act to determine if the rule should be

continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA will consider, and solicits comments, on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments should be submitted to the Agency Contact listed below. Comments must be received 90 days after this Federal Register notice. This action is not a rulemaking; it is a review of an existing rulemaking. Any new rulemaking activity resulting from this review will be published as a notice in future regulatory agendas. In submitting comments, please reference

Docket ID number OW—2003—0016, and follow the instructions provided in Unit H of the preamble to the Spring Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Final Action 1	02/19/93	58 FR 9248
Begin Review	05/00/03	
End Review	05/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4792.

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RIN: 2040—AD96

Environmental Protection Agency (EPA)

Proposed Rule Stage

Clean Water Act (CWA)

3519. 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) (40 CFR part 300.900). Section 311(d)(2)(G) of the Clean Water Act requires that EPA prepare a schedule of dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP. Under subpart J, respondents wishing to add a product to the Product Schedule must submit technical product data specified in 40 CFR 300.915 to EPA. This rulemaking will propose revisions to subpart J to clarify and change protocols for effectiveness and toxicity testing. It will clarify EPA authority to remove products from the Product Schedule. These changes will help ensure protection of the environment when these products are used to clean up and mitigate oil spills

into or upon navigable waters, adjoining shorelines, the waters of the contiguous zone, or which may affect natural resources belonging to or under the exclusive management authority of the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN 4526.

Sectors Affected: 54 Professional, Scientific and Technical Services; 3259 Other Chemical Product Manufacturing; 325 Chemical Manufacturing; 3251 Basic Chemical Manufacturing

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RIN: 2050—AE87**3520. EFFLUENT GUIDELINES PROGRAM PLAN FOR 2004/2005****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(m) "CWA"**CFR Citation:** 00 CFR None**Legal Deadline:** Final, Statutory, February 4, 2004, Final.

Abstract: EPA publishes an Effluent Guidelines Program Plan every other year as required by Section 304(m) of the Clean Water Act (CWA). The Plan sets forth EPA's rationale for the selection of particular industries as candidates for new or revised effluent guidelines. EPA's Effluent Guidelines Program Plan for 2004/2005 will describe the effluent guidelines program and the effluent guidelines underway, as well as identifying existing guidelines that may be revised or new guidelines that may be developed. OW will use the 2004/2005 Plan as a strategic opportunity to help design the future of the technology-based pollution control program for industrial sources of water pollution.

Timetable:

Action	Date	FR Cite
Draft Plan	11/00/03	
Final Plan	02/00/04	

EPA—Clean Water Act (CWA)

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN 4766.**URL For More Information:**<http://www.epa.gov/guide/strategy>**URL For Public Comments:**<http://www.epa.gov/edocket/ow-2002-0020>

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RIN: 2040—AD92

**3521. TEST PROCEDURES: NEW AND
UPDATED TEST PROCEDURES FOR
THE ANALYSIS OF POLLUTANTS
UNDER THE CLEAN WATER ACT AND
SAFE DRINKING WATER ACT**
Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314(h); 33
USC 1361(a); 42 USC 300f; 42 USC
300g—1; 42 USC 300j—4; 42 USC
300j—9(a)

CFR Citation: 40 CFR 136; 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
(CWA) and Safe Drinking Water Act.
This regulation would propose 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 (VCSBs), 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 (ASTM), Standard Methods,
and the Association of Official
Analytical Methods—International.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	11/00/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal,
State, Local, Tribal

Additional Information: SAN 4540.

This action incorporates the following
analytical methods that had previously
been tracked independently: 1. RIN
2040—AC95, SAN 3155 — Test
Procedures for the Analysis of
Miscellaneous Metals, Anions, and
Volatile Organics Under the Clean
Water Act, Phase One 2. RIN 2040—
AD12, SAN 4089 — Test Procedures for
the Analysis of Miscellaneous Metals,
Anions, and Volatile Organics Under
the Clean Water Act, Phase Two, and
3. RIN 2040—AD52, SAN 4377 — Test
Procedures for the Analysis of Mercury
Under the Clean Water Act (Method
245.7).

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RIN: 2040—AD71

**3522. WATERSHED RULE: TOTAL
MAXIMUM DAILY LOAD (TMDL)
PROGRAM REVISIONS**

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

RIN: 2040—AD82

Environmental Protection Agency (EPA)

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Clean Water Act (CWA)

**3523. EFFLUENT GUIDELINES AND
STANDARDS FOR THE
CONSTRUCTION AND DEVELOPMENT
INDUSTRY**

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

RIN: 2040—AD42

**3524. 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 is
considering the public comments on
the proposed rule and the new data
acquired since proposal. Although this
rulemaking, which EPA refers to Pulp
and Paper Phase III, has been
scheduled for final action in September
2004, EPA will consider as part of its

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2004 effluent guidelines planning process under CWA section 304(m) whether to proceed with the rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/17/93	58 FR 66078
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4370.

Sectors Affected: 3221 Pulp, Paper, and Paperboard Mills

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RIN: 2040—AD49

3525. EFFLUENT GUIDELINES AND STANDARDS FOR THE CONCENTRATED AQUATIC ANIMAL PRODUCTION INDUSTRY

Priority: Other Significant

Legal Authority: “CWA Section 301”; “CWA Section 304”; “CWA Section 306”; “CWA Section 307”; “CWA Section 308”; “CWA Section 318”; “CWA Section 402”; “CWA Section 501”

CFR Citation: 40 CFR 451

Legal Deadline: NPRM, Judicial, August 14, 2002, NPRM. Final, Judicial, June 30, 2004, Final.

Abstract: EPA is focusing new efforts to help reduce nutrient loadings from commercial agricultural and industrial operations nationwide. Currently, there are no Federal technology—based standards for aquatic animal production facilities, which are part of the aquaculture industry. This action is a new effort to develop pollutant controls in the form of nationally applicable discharge standards for commercial and public aquaculture operations. In

assessments of surface water quality, States most frequently cite siltation, nutrients, and pathogens as the major cause of water quality impairment. With the growth of the aquaculture industry, and inconsistent state of regulatory oversight, EPA will examine available technologies for the control of solids which in turn control other pollutants, primarily nutrients. This action was formerly titled Aquaculture.

Timetable:

Action	Date	FR Cite
NPRM	09/12/02	67 FR 57871
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN 4406.

Sectors Affected: 112511 Finfish Farming and Fish Hatcheries; 112519 Other Animal Aquaculture; 112512 Shellfish Farming; 71213 Zoos and Botanical Gardens

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RIN: 2040—AD55

3526. EFFLUENT GUIDELINES AND STANDARDS FOR THE MEAT AND POULTRY PRODUCTS POINT SOURCE CATEGORY (REVISIONS)

Priority: Other Significant

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 432 (Revision)

Legal Deadline: NPRM, Judicial, January 30, 2002, NPRM. Final, Judicial, December 31, 2003, Final.

Abstract: The Agency proposed revisions to the effluent limitations guidelines and standards for the Meat and Poultry Products Point Source

Category in February 2002. The current regulations, at 40 CFR 432, are more than 20 years old and establish limitations and standards for only conventional pollutants. The current regulations do not establish national regulations for ammonia nitrogen discharges associated with slaughterhouses/packaginghouses (Subparts A—D). Nutrients like ammonia may pose a water quality problem for impaired streams. Revisions to the current regulations may also include effluent limitations for poultry processing, which is not currently covered by any effluent guideline.

Timetable:

Action	Date	FR Cite
NPRM	02/25/02	67 FR 8582
NODA	08/13/03	68 FR 48471
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4407.

Sectors Affected: 311611 Animal (except Poultry) Slaughtering; 311612 Meat Processed from Carcasses; 311613 Rendering and Meat By-product Processing; 311615 Poultry Processing

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RIN: 2040—AD56

3527. EFFLUENT GUIDELINES AND STANDARDS FOR THE CENTRALIZED WASTE TREATMENT POINT SOURCE CATEGORY (REVISION)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1316“CWA”; 33 USC 1317“CWA”

CFR Citation: 40 CFR 437

Legal Deadline: None

Abstract: EPA is considering amendments for certain provisions of

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the effluent guidelines for the Centralized Waste Treatment industry, which were published on December 22, 2000. The rule would modify the limitations and standards for some of the regulated pollutants and would correct errors in the printed text.

Timetable:

Action	Date	FR Cite
NPRM	09/10/03	68 FR 53432
Final Action	12/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN 4776.**Sectors Affected:** 562219 Other Nonhazardous Waste Treatment and Disposal; 562211 Hazardous Waste Treatment and Disposal

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RIN: 2040—AD95**3528. WATER QUALITY STANDARDS FOR ALABAMA—PHASE II****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1313 “CWA 303”**CFR Citation:** 40 CFR 131**Legal Deadline:** NPRM, Judicial, October 15, 2002, NPRM.

Abstract: Under the CWA, States have primary authority in developing water quality standards for waters within their jurisdiction. EPA maintains oversight authority in that States must submit their water quality standards to EPA for review and approval or disapproval. If a State’s water quality standards are not consistent with the requirements of the CWA and its supporting regulations, and are subsequently disapproved by EPA, the State must revise the disapproved water quality standards. If the State does not revise the disapproved water quality standards, the CWA requires the EPA Administrator to promulgate Federal water quality standards to supersede those disapproved provisions in the states’ water quality standards. EPA is developing a proposed rule to

determine the appropriate use designations for seven waterbodies in Alabama that EPA disapproved in 1986 and 1991.

Timetable:

Action	Date	FR Cite
NPRM	10/23/02	67 FR 65256
Final Action	05/00/04	

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

Additional Information: SAN 4264. Judicial NPRM: Consent decree specifies that EPA will sign proposed Federal replacement standards by 10/31/2002 unless EPA approves State use designations.

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RIN: 2040—AD35**3529. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 2****Regulatory Plan:** This entry is Seq. No. 130 in part II of this issue of the Federal Register.**RIN:** 2040—AD62**3530. COMPARISON OF DREDGED MATERIAL TO REFERENCE SEDIMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1344 “CWA 404”**CFR Citation:** 40 CFR 230**Legal Deadline:** None

Abstract: This action would revise the testing provisions of the Clean Water Act section 404(b)(1) Guidelines to provide for comparisons between

dredged material proposed for discharge and reference sediment. Reference sediment would be defined as sediment that reflects conditions at the disposal site had no dredged material disposal ever occurred there. Because the disposal site itself is currently used as the point of comparison, this action would make a technical improvement in assessing cumulative impacts and help make dredged material testing under section 404 more consistent with that conducted for ocean disposal, which currently employs a reference sediment approach. This action is not expected to have a significant impact on state, local, or tribal governments or small business, as the action will be limited to Corps projects and permit applications for which dredged material testing is necessary, and because the effect of the action will be limited to changing the location of an otherwise collected sample.

Timetable:

Action	Date	FR Cite
NPRM	01/04/95	60 FR 419
Final Action	09/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN 3288.

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RIN: 2040—AC14**3531. ROUND 2 STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE****Priority:** Other Significant**Legal Authority:** 33 USC 1345 “CWA 405”; 33 USC 1361(a) “CWA 501(a)”**CFR Citation:** 40 CFR 503 (Revisions)

Legal Deadline: NPRM, Judicial, December 15, 1999, NPRM. Final, Judicial, October 17, 2003, Final.

Abstract: This rulemaking concerns dioxin and dioxin—like compounds in sewage sludge that is applied to the land. Section 405 of the Clean Water Act (CWA) requires EPA to promulgate regulations providing guidelines for the

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use and disposal of sewage sludge, including numeric standards for toxic pollutants which may adversely affect human health and the environment and management practices. EPA promulgated the first round of regulations, which set standards for toxic pollutants in sewage sludge for which information was available and management practices for land application, surface disposal and incineration of sewage sludge. (58 FR 9248, Feb. 19, 1993). EPA proposed the second round of regulations, for other toxic pollutants not regulated in the first round, of regulations, for other toxic pollutants not regulated in the first round, in December 1999 (64 FR 72045, Dec. 23, 1999). The proposed rule would establish a limit of 300 nanograms of TEQ dioxins per kilogram of dry sewage sludge for land application along with monitoring requirements. The proposal also proposed to take no regulatory action with respect to dioxins in sewage sludge that is disposed of at a surface disposal site or incinerated in a sewage sludge incinerator. EPA signed a final notice of its determination not to further regulate for dioxins in sewage sludge that is disposed of at a surface disposal site or incinerated in a sewage sludge incinerator, and stated that final action on the proposal to amend the land application rule will be published separately at a later date. (66 FR 66228, Dec. 21, 2001). On June 12, 2002 at 67 FR 40554, EPA published a notice of data availability in which EPA presented the results of a revised risk assessment and an analytical survey of dioxins in sewage sludge. The final action on the land application rule is subject to a consent decree deadline of October 17, 2003.

Timetable:

Action	Date	FR Cite
NPRM	12/23/99	64 FR 72045
Final Determination	12/21/01	66 FR 66228
NODA	06/12/02	67 FR 40554
Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN 3488.**Agency Contact:** Alan Rubin, Environmental Protection Agency, Water, 4304T, Washington, DC 20460

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RIN: 2040—AC25**3532. MODIFICATION TO COMPETITIVE PROCESS USED BY EPA FOR WETLAND PROGRAM DEVELOPMENT GRANTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1251 “CWA 104”**CFR Citation:** 40 CFR 35.613; 40 CFR 35.382**Legal Deadline:** None

Abstract: EPA is proposing to modify the requirements for use of competitive procedures in the award of Wetland Program Development Grants (WPDG). The proposed changes for WPDG would provide the Regions with an option for allocating WPDG funds to States that meet criteria established in national program guidance. The proposed changes would provide States, tribal, intertribal, interstate and local agencies greater flexibility in developing comprehensive programs.

Timetable:

Action	Date	FR Cite
Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN 4624.

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RIN: 2040—AD83**3533. • SLUDGE: AGENCY RESPONSE TO THE NATIONAL RESEARCH COUNCIL REPORT ON BIOSOLIDS APPLIED TO LAND AND THE RESULTS OF EPA'S REVIEW OF EXISTING SEWAGE SLUDGE REGULATIONS.****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 33 USC. 1345(d)(e)**CFR Citation:** 40 CFR 503**Legal Deadline:** None

Abstract: The Federal Register notice will announce the final results of the review of regulations under the Clean Water Act (CWA) governing the use and disposal of sewage sludge pursuant to section 405(d)(2)(C) of the CWA. The purpose of the review is to identify additional toxic pollutants that may warrant future regulatory action. As part of this review, EPA commissioned the National Research Council (NRC) of the National Academy of Sciences to independently review the technical basis of the chemical and pathogen regulations applicable to sewage sludge that is applied to land. The NRC study took place between January 2001 and June 2002. In July 2002, the NRC published a report entitled “Biosolids Applied to Land: Advancing Standards and Practices” in response to the EPA’s request. The NRC identified a need to update the scientific basis of part 503 and provided approximately 60 recommendations. The notice will also announce a final strategy explaining how EPA plans to respond to the recommendations in the NRC report and explains the rationale for the strategy.

The purpose of the notice is to meet the requirements of a settlement agreement. Over the past decade, citizens and environmental organizations have raised questions over the adequacy of the chemical and pathogen standards for protecting human health. In a side agreement to a consent decree modification in *Gearhart v. Whitman*, EPA agreed to sign a notice for publication in the Federal Register by January 8, 2004, to announce the final results of the review under the CWA and the final planned strategy for responding to the NRC’s recommendations.

The publication of this Federal Register notice will be an important step in setting new priorities for the biosolids

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program for research and future program development activities.

Timetable:

Action	Date	FR Cite
Notice of Preliminary Strategy	04/08/03	68 FR 17379
Final Strategy	01/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4803.

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RIN: 2040—AE59

3534. ● EFFLUENT GUIDELINES AND STANDARDS: RECODIFICATION OF VARIOUS EFFLUENT GUIDELINES

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: CWA 301; CWA 304; CWA 306; CWA 307; CWA 402; CWA 501

CFR Citation: 40 CFR 401 to 419

Legal Deadline: None

Abstract: Several years ago, the Office of Water 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 12 point source categories without making any legally substantive changes in the requirements. The revised and shorter format will enable Federal, State and local regulators and the regulated community to more easily read, understand and implement the regulations. By reducing the number of pages in Title 40, the new format will also afford significant long-term savings in the annual cost of printing these regulations.

The point source categories which would be recodified by this action include: Dairy Products Processing (part 405), Grain Mills Manufacturing (part 406), Fruits and Vegetable Processing (part 407), Canned and Preserved Seafood (part 408), Sugar Processing (part 409), Textile Mills (part 410), Cement Manufacturing (part 411), Electroplating (part 413), Inorganic Chemicals (part 415), Soaps and Detergent Manufacturing (part 417), Fertilizer Manufacturing (part 418), and Petroleum Refining (part 419). The revisions would also expand the list of general definitions in section 401.11.

Timetable:

Action	Date	FR Cite
Direct Final Action	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Federalism: Undetermined

Additional Information: SAN 4822.

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RIN: 2040—AE61

Environmental Protection Agency (EPA)
Clean Water Act (CWA)

Long-Term Actions

3535. TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT

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

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1314(h) "CWA 304(h)"; 33 USC 1361(a) "CWA 501 (a)"

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new EPA methods

for the determination of trace metals at EPA's water quality criteria levels. These methods are necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's designated water quality standard. Because the methods currently approved under 40 CFR part 136 were designed to support primarily technology-based permitting needs, and because these technology-based levels are as much as 280 times higher than water quality-based

criteria for metals. EPA is pursuing approval of new test procedures.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 3702.

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EPA—Clean Water Act (CWA)

Long-Term Actions

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RIN: 2040—AC75

**3536. TEST PROCEDURES:
INCREASED METHOD FLEXIBILITY
FOR TEST PROCEDURES APPROVED
FOR CLEAN WATER ACT
COMPLIANCE MONITORING**

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314(h) “CWA 304 (h)”; 33 USC 1361(a) “CWA 501 (a)”

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This regulatory action would highlight the flexibility already contained in the 600 and 1600 series of EPA Methods that are currently approved for Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. These methods typically contain a statement that, in recognition of advances that are occurring in analytical technology, and to allow the analyst to overcome sample matrix interferences, the analyst is permitted certain options to improve separations or lower the costs of measurements. These options include alternate extraction, concentration, cleanup procedures, and changes in columns and detectors. The methods further require the analyst to demonstrate that the method modifications will not adversely affect the quality of data by generating quality control results that meet the specifications contained in the method. Despite this stated flexibility, the Agency has found that many NPDES and pretreatment permitting authorities are not aware of this flexibility when issuing or enforcing NPDES and pretreatment permits. Therefore, this regulatory action will highlight the existing method flexibility and clarify EPA’s position regarding its application. This action will also extend this flexibility to other methods currently approved under 40 CFR part 136. The purpose of extending this flexibility to other methods is to (1) increase consistency between methods,

(2) provide for increased recognition of advances in analytical technology, and (3) reduce costs associated with analytical measurements.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 3714.

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RIN: 2040—AC92

**3537. TEST PROCEDURES:
PERFORMANCE—BASED
MEASUREMENT SYSTEM (PBMS)
PROCEDURES AND GUIDANCE FOR
CLEAN WATER ACT TEST
PROCEDURES**

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314(h) “CWA 304(h)”; 33 USC 1361(a) “CWA 501(a)”

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This regulatory action would establish the use of performance—based measurement procedures and guidance for use in Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would include guidance concerning the format, content, quality assurance/quality control, and data validation requirements for use of test methods. This regulatory action would also describe increased program guidance in the form of a clearinghouse, technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test

methods approved for use in the program.

Timetable:

Action	Date	FR Cite
NPRM	03/28/97	62 FR 14975
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 3713.

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RIN: 2040—AC93

**3538. TEST PROCEDURES FOR THE
ANALYSIS OF CO—PLANAR AND
MONO—ORTHO—SUBSTITUTED
POLYCHLORINATED BIPHENYLS
(PCBS) UNDER THE CLEAN WATER
ACT**

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314(h); 33 USC 1361(a)

CFR Citation: 40 CFR 136; 40 CFR 503

Legal Deadline: None

Abstract: This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR parts 136 and 503 to approve EPA Method 1668 for the congener—specific determination of co—planar and mono—ortho—substituted polychlorinated biphenyls (PCBs) in effluent, ambient water, and sludge. This method is necessary for the implementation of water quality—based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality—based permits are necessary when technology—based controls do not ensure that a particular water body would meet the State’s designated water quality standard. At present there is no EPA analytical method for

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determination of these PCBs at the levels of concern. Therefore, approval of a new EPA test procedure is necessary.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4049.

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RIN: 2040—AD09

3539. TEST PROCEDURES: REVISIONS TO METHOD DETECTION AND QUANTIFICATION FOR THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314(h); 33 USC 1361(a)

CFR Citation: 40 CFR 136

Legal Deadline: NPRM, Judicial, February 28, 2003, NPRM.

Final, Judicial, November 1, 2004, Final.

Abstract: This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 related to the detection and quantification procedures currently used by EPA for analytes regulated in the wastewater program as authorized under the Clean Water Act (CWA). The current method detection limit (MDL) procedure is set forth at 40 CFR part 136, appendix B. EPA has not promulgated a generic procedure for quantification but it uses the minimum level of quantitation (ML) in its wastewater program. The ML is defined in analytical methods and is generally set at 3.18 times the MDL. The Office of Water has been working to revise

and refine these concepts in response to the need to regulate pollutants at low levels (often levels that are lower than measurement capabilities will allow) and to address other potential approaches to detection and quantification, including concepts being introduced by outside organizations such as voluntary consensus standards bodies (VCSBs). The rulemaking would also reevaluate the current MDL and quantification approaches and assess alternative approaches.

Timetable:

Action	Date	FR Cite
NPRM	03/12/03	68 FR 11791
Final Action	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4378.

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RIN: 2040—AD53

3540. 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, Final.

Abstract: This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996 the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a

nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design and build environmentally sound vessels, to encourage innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as fire main); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish performance standards for control devices for these 25 discharges. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Federalism: Undetermined

Additional Information: SAN 4357.

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RIN: 2040—AD39

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3541. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3

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

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1311 “CWA 301”; 33 USC 1316 “CWA 306”; 33 USC 1326 “CWA 316”; 33 USC 1361 “CWA 501”

CFR Citation: 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

Legal Deadline: NPRM, Judicial, November 1, 2004, NPRM. Final, Judicial, June 1, 2006, Final.

Abstract: This rulemaking affects, at a minimum, existing facilities that use cooling water intake structures, and whose intake flow levels exceed a minimum threshold EPA will determine during this rulemaking. The affected facilities include at a minimum: (1) Electricity generating facilities not covered by Phase 2 regulations; (2) pulp and paper manufacturing facilities; (3) chemicals and allied products manufacturing facilities; (4) petroleum and coal products manufacturing facilities; (5) primary metals manufacturing facilities; and (6) oil and gas extraction facilities. Section 316(b) of the Clean Water Act provides that any standard established pursuant to sections 301 or 306 of the Clean Water Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. A primary purpose of this action is to minimize the impingement and entrainment of fish and other aquatic organisms by cooling water intake structures. Impingement refers to trapping fish and other aquatic life against cooling water intake structures. Entrainment occurs when aquatic organisms, eggs and larvae are drawn into a cooling system and then pumped back out with significant injury or mortality to the entrained organisms.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4543. Split from RIN 2040—AC34.

Sectors Affected: 312 Beverage and Tobacco Product Manufacturing; 325 Chemical Manufacturing; 61131 Colleges, Universities and Professional Schools; 334 Computer and Electronic Product Manufacturing; 211111 Crude Petroleum and Natural Gas Extraction; 22111 Electric Power Generation; 335 Electrical Equipment, Appliance and Component Manufacturing; 332 Fabricated Metal Product Manufacturing; 311 Food Manufacturing; 333 Machinery Manufacturing; 21 Mining; 211112 Natural Gas Liquid Extraction; 327 Nonmetallic Mineral Product Manufacturing; 322 Paper Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 22133 Steam and Air-Conditioning Supply; 313 Textile Mills; 336 Transportation Equipment Manufacturing; 321 Wood Product Manufacturing

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RIN: 2040—AD70

3542. STREAMLINING THE GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

Priority: Other Significant

Legal Authority: 33 USC 1314 “CWA 304”; 33 USC 1317 “CWA 307”; 33

USC 1342 “CWA 402”; 33 USC 1361 “CWA 501”

CFR Citation: 40 CFR 403

Legal Deadline: None

Abstract: The final rule will be promulgated as a program streamlining activity. The rule will revise certain provisions in the General Pretreatment Regulations (40 CFR Part 403) that address restrictions on and oversight of industrial discharges into Publicly Owned Treatment Works (POTWs). The final rule would include exclusions or variable requirements for smaller facilities that contribute insignificant amounts of pollutants, clarify requirements for implementing Pretreatment Standards, and provide more flexible reporting, inspection and sampling requirements. The revisions should provide greater flexibility, reduce burden, and achieve improved environmental results at less cost for regulatory authorities and the regulated community.

Timetable:

Action	Date	FR Cite
NPRM	07/22/99	64 FR 39564
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 3663.

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RIN: 2040—AC58

3543. NPDES STREAMLINING RULE — ROUND III

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”

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CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124

Legal Deadline: None

Abstract: EPA plans to issue a rulemaking package to revise NPDES requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include adding additional permit modifications that can be considered minor modifications at 122.63, and changes to requirements concerning EPA's review of State permits. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities which implement the NPDES program or are regulated by it. This includes small businesses and State, tribal and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
Final Action	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 3786.

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RIN: 2040—AC84

3544. NPDES PERMIT REQUIREMENTS FOR MUNICIPAL SANITARY AND COMBINED SEWER COLLECTION SYSTEMS, MUNICIPAL SATELLITE COLLECTION SYSTEMS, SANITARY SEWER OVERFLOWS, AND PEAK EXCESS FLOW TREATMENT FACILITIES

Priority: Other Significant

Legal Authority: 33 USC 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 developing a notice of proposed rulemaking that would propose 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. EPA is also considering clarifying NPDES requirements, including secondary treatment requirements, for discharges from peak excess flow treatment facilities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	
Final Action	10/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN 3999.
Note: This rule was formerly known as “Revisions to NPDES Requirements for Compliance Reporting and Collection System Discharges.”

Sectors Affected: 22132 Sewage Treatment Facilities

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

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RIN: 2040—AD02

3545. CLEAN WATER STATE REVOLVING FUND REGULATION REVISIONS RE: USE AS MATCHING FUNDS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1383(h)

CFR Citation: 40 CFR 35.3125(b)(1)

Legal Deadline: None

Abstract: This regulation will revise the Clean Water State Revolving Fund (CWSRF) Regulations to allow the use of loans from the non—Federal and non—State match share of CWSRF funds as a match for infrastructure grants. In 1990, EPA issued regulations implementing the CWSRF program, established as Title VI of the Clean Water Act (CWA) in 1987. Section 603(h) of the CWA prohibits use of the CWSRF loan as matching funds with respect to the non—Federal share of the cost of a treatment works project for which a municipality or agency is receiving assistance from the Administrator under any other authority. In issuing its regulations at 40 CFR 35.3125(b)(1), EPA interpreted this prohibition broadly, applying the restriction to all treatment works construction. At that time, EPA believed the replacement of the construction grants program authorized by Title II of the CWA by the CWSRF

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would result in a significant decrease in the use of other Federal grant funds for treatment works construction. However, from FY 1995 onward, Congress has authorized and appropriated funds for infrastructure construction grants in various Appropriations Acts. There are currently over 1500 projects totaling over \$4.1 billion dollars. In several cases, EPA has been asked to allow CWSRF funds to be used as a match for these grants; but 40 CFR 35.3125(b)(1) prohibits such action. Upon reconsideration, EPA has decided its initial reading in 1990 was too broad, and the intent of Congress was only to prohibit use of CWSRF loans as a match for Title II construction grants. This action will revise the regulations to allow a State, in its operation of the CWSRF, to permit a CWSRF loan for non—Title II infrastructure construction grant projects to be used as a non—federal match in certain circumstances. The prohibition on the use of CWSRF as a match for a Title II construction grant will continue.

Timetable:

Action	Date	FR Cite
Direct Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN 4493.**Agency Contact:** Gary Hudiburgh, Environmental Protection Agency, Water, EN—336, 4204M, Washington, DC 20460

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RIN: 2040—AD68**3546. 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:** 00 CFR NYD**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	11/00/05	
Final Action	11/00/07	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN 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**Environmental Protection Agency (EPA)****Completed Actions****Clean Water Act (CWA)****3547. EFFLUENT GUIDELINES AND STANDARDS FOR THE METAL PRODUCTS AND MACHINERY CATEGORY, PHASES 1 AND 2****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 438**Completed:**

Reason	Date	FR Cite
Final Action	05/13/03	68 FR 25686

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

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RIN: 2040—AB79**3548. EFFLUENT GUIDELINES AND STANDARDS FOR PHARMACEUTICAL MANUFACTURING: AMENDMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 439**Completed:**

Reason	Date	FR Cite
Withdrawn	06/11/03	68 FR 34831

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: Federal, Local, State

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RIN: 2040—AD97**3549. TEST PROCEDURES FOR THE ANALYSIS OF MISCELLANEOUS METALS, ANIONS, AND VOLATILE ORGANICS UNDER THE CLEAN WATER ACT, PHASE ONE****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 136

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Completed Actions

Completed:

Reason	Date	FR Cite
Withdrawn	09/26/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State, Local, Tribal**Agency Contact:** William Telliard

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RIN: 2040—AC95**3550. TEST PROCEDURES FOR THE ANALYSIS OF BIOLOGICAL CONTAMINANTS UNDER THE CLEAN WATER ACT****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 136**Completed:**

Reason	Date	FR Cite
Final Action	07/21/03	68 FR 43272

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State, Local, Tribal**Agency Contact:** Robin Oshiro

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RIN: 2040—AD08**3551. TEST PROCEDURES FOR THE ANALYSIS OF MISCELLANEOUS METALS, ANIONS, AND VOLATILE ORGANICS UNDER THE CLEAN WATER ACT, PHASE TWO****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 136**Completed:**

Reason	Date	FR Cite
Withdrawn	09/26/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State, Local, Tribal**Agency Contact:** William Telliard

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RIN: 2040—AD12**3552. TEST PROCEDURES FOR THE ANALYSIS OF MERCURY UNDER THE CLEAN WATER ACT (METHOD 245.7)****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 136.3**Completed:**

Reason	Date	FR Cite
Withdrawn	09/26/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State, Local, Tribal**Agency Contact:** William Telliard

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RIN: 2040—AD52**3553. MINIMIZING ADVERSE ENVIRONMENTAL IMPACTS FROM COOLING WATER INTAKE STRUCTURES UNDER SECTION 316(B) OF THE CLEAN WATER ACT — PHASE I REVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 125 subpart I**Completed:**

Reason	Date	FR Cite
Final Action	06/19/03	68 FR 36749

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State**Agency Contact:** Martha Segall

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RIN: 2040—AD85**3554. CLEAN WATER ACT DEFINITION OF WATERS OF THE UNITED STATES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 33 CFR 328.3(a); 40 CFR 110.1; 40 CFR 112.2; 40 CFR 116.3; 40 CFR 117.1; 40 CFR 122.2; 40 CFR 230.3(s); 40 CFR 232.2; 40 CFR 257.3—1(d); 40 CFR 300 app E; 40 CFR 401.11(I)**Completed:**

Reason	Date	FR Cite
Withdrawn	11/05/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Donna Downing

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RIN: 2040—AB74

Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)
Proposed Rule Stage
3555. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone—Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 3238.

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040—AC13

3556. UNREGULATED CONTAMINANT MONITORING REGULATION FOR PUBLIC WATER SYSTEMS REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141.40

Legal Deadline: Other, Statutory, August 6, 2004, Other.

Abstract: The 1996 amendments to the Safe Drinking Water Act require the Agency to publish, every 5 years, a revised listing of the contaminants to

be monitored under the UCMR. The purpose of this proposed action is to meet that requirement by revising the National Primary Drinking Water Regulations for the UCMR to: provide minor modifications to the current UCMR program to improve its implementation; to revise the lists of analytes to permit a second round of monitoring; and to approve the analytical methods needed to perform this monitoring.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4770.

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RIN: 2040—AD93

3557. • NATIONAL PRIMARY DRINKING WATER REGULATIONS: MINOR CORRECTIONS AND CLARIFICATION TO DRINKING WATER REGULATIONS

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

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 140 and 141

Legal Deadline: None

Abstract: This rule is intended to make minor changes to clarify and correct Drinking Water regulations. Typographical errors and inadvertent omissions will be corrected in the final Long Term 1 Enhanced Surface Water Treatment Final Rule. Additional technical corrections for other drinking

water regulations may be added during the rule development process.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	01/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN 4795.

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RIN: 2040—AE58

3558. DRINKING WATER CONTAMINANT CANDIDATE LIST 2

Priority: Routine and Frequent

Legal Authority: 42 USC 300f et seq; SDWA1412(b)(1)(B)

CFR Citation: None

Legal Deadline: Final, Statutory, February 6, 2003, Final.

Abstract: This action is to develop the Second Drinking Water Contaminant Candidate List (CCL2). To meet the Safe Drinking Water Act (SDWA) requirements under section 1412(b)(1)(B)(i), as amended in 1996, EPA will publish a list of contaminants that are known or anticipated to occur in public water systems which may require regulation under the SDWA. In developing this list of contaminants, that are not currently subject to any proposed or promulgated NPDWRs, EPA must consult with the SAB, provide an opportunity for public comments, consider the National Contaminant Occurrence Database (developed under SDWA section 1445(g)), consider contaminants referred to in section 101(4) of CERCLA, and substances registered as pesticides under FIFRA. Similar to CCL1, the CCL2 will be based on readily available occurrence and health effects information and evaluated by EPA. SDWA required the first CCL to be published 18 months after the date of enactment (2/98), and a new CCL every 5 years thereafter. The methods

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used to develop the CCL are described in the Federal Register (62 FR 52193). To respond to comments received on the draft drinking water CCL, the Agency requested assistance from the National Research Council (NRC) for guidance on methods and processes to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for the future CCLs. The details of the NRC recommendation are available in the report entitled "Classifying Drinking Water Contaminants for Regulatory Considerations." The NRC recommendations are being evaluated

by a National Drinking Water Advisory Council Work Group and the results of this parallel effort will be used for future CCLs.

Timetable:

Action	Date	FR Cite
Preliminary Notice Announcement	11/00/03	
Final Notice Announcement of CCL	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4703**Agency Contact:** Thomas Carpenter, Environmental Protection Agency, Air and Radiation, 4607M, Washington, DC 20460

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RIN: 2060—AD86

Environmental Protection Agency (EPA)

Final Rule Stage

Safe Drinking Water Act (SDWA)

3559. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUNDWATER RULE**Regulatory Plan:** This entry is Seq. No. 126 in part II of this issue of the Federal Register.**RIN:** 2040—AA97**3560. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE****Regulatory Plan:** This entry is Seq. No. 127 in part II of this issue of the Federal Register.**RIN:** 2040—AD37**3561. NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE 2 DISINFECTION BYPRODUCTS RULE****Regulatory Plan:** This entry is Seq. No. 128 in part II of this issue of the Federal Register.**RIN:** 2040—AD38**3562. NATIONAL PRIMARY AND SECONDARY DRINKING WATER REGULATIONS: APPROVAL OF ADDITIONAL METHOD FOR THE DETECTION OF COLIFORMS AND E. COLI. IN DRINKING WATER****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 300f; 42 USC 300g1—6; 42 USC 300j—9**CFR Citation:** 40 CFR 141.21**Legal Deadline:** None

Abstract: The Office of Water will revise the National Primary and Secondary Drinking Water Regulations to approve the Colitag Method for the detection of coliforms and E. Coli. in finished drinking water. This promulgation adds an additional analytical method to Part 141 to monitor for total coliforms and E. Coli in finished drinking water, for which other methods have been approved previously. It does not withdraw any currently approved methods, nor does it add nor alter any current monitoring requirement. This rule provides the ability to use an additional standardized method, offering water systems and their laboratories further operational flexibility. On March 7, 2002, EPA published "Unregulated Contaminant Monitoring Regulation: Approval of Analytical Method for Aeromonas; National Primary and Secondary Drinking Water Regulations: Approval of Analytical Methods for Chemical and Microbiological Contaminants; Proposed Rule." In this proposed rule, EPA sought comments on the proposed promulgation of multiple industry—developed methods, one of which was the Colitag method, a "Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations." This method was proposed for the analysis of total coliforms and E. coli in finished drinking water samples. EPA has since received additional information from CPI International, developers of Colitag, relevant to the performance of the

method. Such information included additional data as well as a re—evaluation of previously reported data included in the public record that supported the proposed approval of Colitag. On December 2, 2002 EPA invited public comments on this additional information in "Notice of Data Availability; National Primary and Secondary Drinking Water Regulations: Approval of Analytical Methods for Chemical and Microbiological Contaminants; Additional Information on the Colitag Method." Based on the evaluation of this additional information and review of public comments, the Agency now plans to promulgate the Colitag Method.

Timetable:

Action	Date	FR Cite
NPRM	03/07/02	67 FR 10532
NODA	12/02/02	67 FR 71520
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal**Additional Information:** SAN 4769.**Agency Contact:** Herbert Brass, Environmental Protection Agency, Water, MS140, MS 140, Cincinnati, OH 45268

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RIN: 2040—AD90

3563. • NATIONAL PRIMARY DRINKING WATER REGULATIONS: ANALYTICAL METHOD FOR URANIUM

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

Legal Authority: Safe Drinking Water Act, sec. 1412; 42 USC 300f; 42 USC

300g—1; 42 USC 300j—4; 42 USC 300j—9

CFR Citation: 40 CFR 141.25

Legal Deadline: None

Abstract: EPA plans to promulgate a method for compliance monitoring of uranium that uses an inductively coupled plasma mass spectrometry (ICP—MS) technology. This technology has gained wide acceptance over the past decade, and should reduce costs for analyzing for uranium and provide a greater level of accuracy. States, laboratories and water systems have asked the Agency to approve this analytical method.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4826.

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RIN: 2040—AE62

Environmental Protection Agency (EPA)

Long-Term Actions

Safe Drinking Water Act (SDWA)

3564. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments.

Legal Authority: 42 USC 300f et seq“SDWA1412”

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Other, Statutory, February 6, 1999, Other. NPRM, Statutory, August 6, 1999, NPRM.

Final, Statutory, November 2, 2000, Final.

Abstract: EPA proposed regulations for radon in drinking water which provide flexibility in how to manage the health risks from radon, in both drinking water and in indoor air. States and systems would be able to focus their efforts on the highest radon risks to the public — in indoor air — while reducing the highest risks from radon in drinking water. The proposal was based on the unique framework in the 1996 Safe Drinking Water Act (SDWA). The proposed regulation would provide two options to states and water systems for reducing public health risks from radon. Under the first option, states may choose to develop enhanced state programs to address the health risks from indoor radon while water systems reduce radon levels in drinking water to at or below the higher, alternative maximum contaminant level MCL

proposed at 4,000 pCi/L (picoCuries per liter, a standard unit of radiation). EPA is encouraging the states to adopt this approach as the most cost—effective way to achieve the greatest radon risk reduction. If a State does not elect this option, the second option would require water systems in that State to either reduce radon in drinking water levels to the MCL of 300 pCi/L, or to develop a local indoor radon program and reduce levels in drinking water to 4000 pCi/L.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM Original Notice 99	07/18/91	56 FR 33050
NPRM	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59245
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN 2281.

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040—AA94

3565. 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 a fuel additive used primarily to increase the oxygen content in gasoline. It has been used in increasing quantity in the 1990s to meet the requirements of the Federal Reformulated Gasoline (FRG) and Oxyfuels programs required by the Clean Air Act Amendments of 1990. Although the use of MTBE in gasoline has helped to reduce harmful air emissions, it is being detected in ground water and surface water throughout the country. In some instances the affected waters are drinking water sources. At relatively low levels, MTBE's taste and odor can make drinking water supplies unacceptable to consumers. In this action, EPA is proposing a secondary

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standard for MTBE, which would provide guidance for taste and odor acceptability and to protect the public welfare.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4404.

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040—AD54

3566. 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 has determined the need to revise the Total Coliform Rule (TCR), as published in the July 18, 2003 Federal Register (68FR42907). EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR. 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 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. 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.

Timetable:

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

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Federal, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN 4775.

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RIN: 2040—AD94

3567. DRINKING WATER CONTAMINANT CANDIDATE LIST 3

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 300g—1(b)

CFR Citation: 00 CFR None

Legal Deadline: Other, Statutory, February 6, 2008, Other.

Abstract: The Safe Drinking Water Act (SDWA) as amended in 1996 requires EPA to publish a list of contaminants that are known or anticipated to occur in public water systems, and which may require regulation under the SDWA every five years. 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, if possible, use the NRC approach to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for future CCLs.

Timetable:

Action	Date	FR Cite
Preliminary Notice	02/00/07	
Final Notice	02/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4745.

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RIN: 2040—AD99

3568. UNDERGROUND INJECTION CONTROL: UPDATE OF STATE PROGRAMS

Priority: Info./Admin./Other

Legal Authority: 42 USC 300h—1“SDWA 1422”; 42 USC 300h—4“SDWA 1425”

CFR Citation: 40 CFR 147 (Revision)

Legal Deadline: None

Abstract: EPA provides a place in part 147 of its UIC regulations where all the State UIC programs are summarized. Included in this summarization are all the authorities and regulations used by the States to implement the UIC program, as well as all other documents that are relevant to the program. The primary reason for this is to provide one place where all the UIC programs nationwide are presented. A second reason, more importantly, is to allow EPA to incorporate by reference into the Code of Federal Regulations the State program authorities. Current citations to State regulations in 40 CFR part 147 are out of date for many States. This update is necessary to ensure that the CFR accurately reflects current approved State UIC programs and that elements of those programs are federally enforceable if necessary. EPA Regional Offices will be submitting State revision packages as they are completed. Part 147 will then be

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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 4236.

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RIN: 2040—AD40

3569. • 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 U.S.C. 300g—1(b)

CFR Citation: 00 CFR None

Legal Deadline: Other, Statutory, August 6, 2006, Other.

Abstract: The 1996 amendments to the Safe Drinking Water Act (SDWA) require EPA to publish a list of non-regulated contaminants every five years, which may warrant regulation due to their health effects and their potential for occurrence in public water systems (PWSs). The first Contaminant Candidate List (CCL), was published in the Federal Register on March 2, 1998 (63 FR 10247). The second CCL should be published in 2003. In addition to publishing the drinking water CCL, the SDWA also requires the Agency to select five or more contaminants from the second CCL and determine, by August 2006, whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). In order to make a determination of whether or not 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	08/00/05	
Final Notice	08/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4821.

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RIN: 2040—AE60

Environmental Protection Agency (EPA)

Safe Drinking Water Act (SDWA)

Completed Actions

3570. DRINKING WATER: REGULATORY DETERMINATIONS REGARDING CONTAMINANTS ON THE DRINKING WATER CONTAMINANT CANDIDATE LIST

Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Notice	07/18/03	68 FR 42897

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 2040—AD61

3571. 6—YEAR REVIEW OF EXISTING NATIONAL PRIMARY DRINKING WATER REGULATIONS

Priority: Other Significant

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Final Notice	07/18/03	68 FR 42908

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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EPA—Safe Drinking Water Act (SDWA)**Completed Actions**

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RIN: 2040-AD67

Environmental Protection Agency (EPA)**Long-Term Actions****Shore Protection Act (SPA)****3572. SHORE PROTECTION ACT, SECTION 4103(B) REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 2601 “Shore Protection Act of 1988”; PL 100-688 “4103(b)”**CFR Citation:** 40 CFR 237**Legal Deadline:** None

Abstract: This rule will implement the Shore Protection Act (SPA) and is designed to prevent the deposit of municipal and commercial waste into U.S. Coastal Waters. This rule establishes minimum waste handling practices for vessels and waste handling facilities involved in the transport of municipal or commercial wastes in the coastal waters of the United States. The rule may require certain vessels and waste handling facilities to develop an operation and maintenance manual that identifies procedures to prevent, report, and clean up deposits of waste into coastal

waters. Local governments and businesses involved with the vessel transportation and shore side handling of these wastes would be affected by this rule. Currently no tribes are known to be involved in waste handling of this type; therefore none would be affected by this rule. In regards to small businesses, EPA has provided guidance on development of operation and maintenance manuals and encourages the use and documentation of existing industry practices that meet or exceed the EPA proposed minimum waste handling standards. All indications are that this regulation as proposed would have a minimal economic impact. This regulation will result in reduction of municipal and commercial wastes deposited in coastal waters.

Timetable:

Action	Date	FR Cite
NPRM	08/30/94	59 FR 44798
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Local**Additional Information:** SAN 2820.

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RIN: 2040-AB85

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