

U.S. Environmental Protection Agency  
*EPA Semiannual Regulatory Agenda - Spring 2007*  
Publication No. EPA-230-Z-07-001

Part Two - Clean Air Act Actions thru Toxic Substances Control Act Actions (24 - 116 of 159 pages)  
You may access the full document at <http://www.epa.gov/lawsregs/search/regagenda.html>

## Environmental Protection Agency (EPA)

## Completed Actions

## General

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

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

RIN: 2020-AA39

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

Priority: Info./Admin./Other

CFR Citation: 2 CFR 1532

**Completed:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Suzanne Hersh  
Phone: 202 564-5374  
Email: hersh.suzanne@epamail.epa.gov

RIN: 2030-AA94

## Environmental Protection Agency (EPA)

## Prerule Stage

## Clean Air Act (CAA)

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

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 5137;**Agency Contact:** Cindy Newberg, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9729

Fax: 202 343-2337

Email: newberg.cindy@epamail.epa.gov

RIN: 2060-AO29

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

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 1042

Legal Deadline: None

**Abstract:** Emissions from category 3 marine engines (greater than 30 liters per cylinder) contribute significantly to unhealthful levels of ambient particulate matter and ozone in many parts of the United States. These engines are highly mobile and are not easily controlled at a State or local level. EPA currently regulates marine diesel engines on ships flagged in the United States. This rulemaking will

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 5129;**Agency Contact:** Michael Samulski, Environmental Protection Agency, Air and Radiation, OAR/OTAQ/ASD, Ann Arbor, MI 48105

Phone: 734 214-4532

Fax: 734 214-4050

Email: samulski.michael@epa.gov

Jean-Marie Revelt, Environmental Protection Agency, Air and Radiation, OAR/OTAQ/ASD, Ann Arbor, MI 48105

Phone: 734 214-4822

Fax: 734 214-4816

Email: revelt.jean-marie@epa.gov

RIN: 2060-AO38

**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)**
**Proposed Rule Stage**
**2716. AMENDMENT TO SUBPARTS H AND I FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES**
**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 61

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Behram Shroff, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

Phone: 202 343–9707  
 Fax: 202 343–2304  
 Email: shroff.behram@epa.gov  
**RIN:** 2060–AK81

**2717. AMENDMENTS TO METHOD 24 (WATER-BASED COATINGS)**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 60

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Candace Sorrell, Environmental Protection Agency, Air and Radiation, E143–02, Research Triangle Park, NC 27711  
 Phone: 919 541–1064  
 Fax: 919 541–0516  
 Email: sorrell.candace@epa.gov

Conniesue Oldham, Environmental Protection Agency, Air and Radiation, E143–02, Research Triangle Park, NC 27711  
 Phone: 919 541–7774  
 Email:

oldham.conniesue@epamail.epa.gov  
**RIN:** 2060–AF72

**2718. GENERAL CONFORMITY REGULATIONS; REVISIONS**
**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Tom Coda, Environmental Protection Agency, Air and Radiation, C539–02, Research Triangle Park, NC 27711  
 Phone: 919 541–3037  
 Fax: 919 541–0824  
 Email: coda.tom@epa.gov

**RIN:** 2060–AH93

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

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

**Timetable:**

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

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

**Agency Contact:** Bruce Moore, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711  
Phone: 919 541-5460  
Fax: 919 541-3470  
Email: moore.bruce@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711  
Phone: 919 541-5335  
Email: dunkins.robin@epa.gov

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

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

**Timetable:**

| Action           | Date     | FR Cite     |
|------------------|----------|-------------|
| NPRM             | 06/03/03 | 68 FR 33283 |
| NPRM Correction  | 10/02/03 | 68 FR 56809 |
| NPRM 2—Adhesives | 04/00/07 |             |
| Final Action     | 01/00/08 |             |

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

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

**Sectors Affected:** 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 331 Primary Metal Manufacturing; 336

Transportation Equipment Manufacturing; 32615 Urethane and Other Foam Product (except Polystyrene) Manufacturing

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

**Agency Contact:** Margaret Sheppard, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9163

Fax: 202 343-2337

Email: sheppard.margaret@epa.gov

Monica Shimamura, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9337

Fax: 202 343-2338

Email:

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

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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

**Agency Contact:** Sean Lakeman, Environmental Protection Agency, Regional Office Atlanta, 1200 Pennsylvania Avenue, Atlanta, GA 30303

Phone: 404 562-9043

Fax: 404 562-9019  
Email: lakeman.sean@epa.gov

Jerry Stubberfield, Environmental Protection Agency, Regional Office Atlanta, C404-02, Durham, NC 27711  
Phone: 919 541-0876  
Fax: 919 541-7925  
Email: stubberfield.jerry@epa.gov

**RIN:** 2004-AA02

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4584;

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

**Agency Contact:** Barrett Parker, Environmental Protection Agency, Air and Radiation, D243-05, Research Triangle Park, NC 27711  
Phone: 919 541-5365  
Fax: 919 541-1039  
Email: parker.barrett@epa.gov

Bob Schell, Environmental Protection Agency, Air and Radiation, C504-04, Research Triangle Park, NC 27711  
Phone: 919 541-4116  
Fax: 919 541-1039  
Email: schell.bob@epa.gov

**RIN:** 2060-AJ86

**2723. PERFORMANCE-BASED MEASUREMENT SYSTEM FOR FUELS: CRITERIA FOR SELF-QUALIFYING ALTERNATIVE TEST METHODS; DESCRIPTION OF OPTIONAL STATISTICAL QUALITY CONTROL MEASURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7545

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

multiple method-specific rulemakings, but to do so in a way that will not degrade the performance of the overall measurement system. Introduction of statistical quality control for all methods should improve measurement precision and accuracy in actual practice across all methods.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4633;

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

**Agency Contact:** John Holley, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460  
Phone: 202 343-9305  
Fax: 202 233-9557  
Email: holley.john@epamail.epa.gov

Joe Sopata, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460  
Phone: 202 343-9034  
Fax: 202 565-2085  
Email: sopata.joe@epamail.epa.gov

**RIN:** 2060-AK03

### 2724. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING EMERGENCY USES OF METHYL BROMIDE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** Under the Clean Air Act and the Montreal Protocol on substances that deplete the ozone layer, this rule will seek to create an exemption for emergency uses of methyl bromide, an ozone depleting substance, after the phase-out date of 2005. This exemption will be limited to no more than 20 metric tons per emergency event. This

is a deregulatory action that will decrease burden on producers, importers, distributors, and applicators of methyl bromide as well as end-users of methyl bromide who are growers and owners of stored food products, while still achieving the environmental objectives of the program.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**URL For More Information:**

www.epa.gov/ozone/mbr

**Agency Contact:** Marta Montoro, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW., Washington, DC 20460  
Phone: 202 343-9321  
Fax: 202 565-2079  
Email: montoro.marta@epamail.epa.gov

Ross Brennan, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460  
Phone: 202 343-9226  
Fax: 202 565-2155  
Email: brennan.ross@epamail.epa.gov

**RIN:** 2060-AL94

### 2725. CONTROL OF EMISSIONS FROM NEW LOCOMOTIVES AND NEW MARINE DIESEL ENGINES LESS THAN 30 LITERS PER CYLINDER

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

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

**Legal Authority:** 42 USC 7522 to 7621

**CFR Citation:** 40 CFR 92; 40 CFR 94

**Legal Deadline:** None

**Abstract:** Emissions from locomotive and marine diesel engines contribute significantly to unhealthful levels of ambient particulate matter and ozone in many parts of the United States. These engines are highly mobile and are not easily controlled at a State or local level. EPA currently regulates the manufacturers of these engines when they are produced or remanufactured at a level similar to early 1990s on-highway diesel trucks. This rulemaking

will propose to set an additional tier of more stringent particulate matter and nitrogen oxides emission standards for new marine diesel engines below 30 liters per cylinder (category 1 and category 2 marine diesel engines) and new locomotive engines. The standards under consideration are expected to be based on the use of high-efficiency aftertreatment technologies like those that will be used to meet EPA's recent heavy-duty and nonroad diesel standards. These technologies, which could reduce emissions by 90 percent, would be enabled by the availability and use of low sulfur diesel fuel.

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| ANPRM                    | 06/29/04 | 69 FR 39276 |
| ANPRM Comment Period End | 08/30/04 |             |
| NPRM                     | 04/03/07 | 72 FR 15938 |
| NPRM Comment Period End  | 07/02/07 |             |
| Final Action             | 05/00/08 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4871

**Agency Contact:** Jean-Marie Revelt, Environmental Protection Agency, Air and Radiation, OAR/OTAQ/ASD, Ann Arbor, MI 48105  
Phone: 734 214-4822  
Fax: 734 214-4816  
Email: revelt.jean-marie@epa.gov  
**RIN:** 2060-AM06

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** Not Yet Determined

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

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

**Abstract:** The processes involved in glass manufacturing include raw material storage, handling and mixing, high temperature (usually furnace) melting, forming, coating, and other processes specific to particular

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

**Timetable:**

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

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

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

**Agency Contact:** Susan Fairchild, Environmental Protection Agency, Air and Radiation, C-504-05, Research Triangle Park, NC 27711  
Phone: 919 541-5167  
Email: fairchild.susan@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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

**Agency Contact:** Randy McDonald, Environmental Protection Agency, Air and Radiation, C504-04, Research Triangle Park, NC 27711  
Phone: 919 541-5402  
Email: mcdonald.randy@epamail.epa.gov

**RIN:** 2060-AM19**2728. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR IRON AND STEEL FOUNDRIES**

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

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

**Legal Deadline:** Final, Statutory, November 30, 2000. Final, Judicial, December 15, 2007, One of ten area source category standards to be promulgated as per March 31, 2006 order.

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112. Both iron foundries and steel foundries were listed as high priority source categories via a toxicity-weighting analysis. Extensive data gathering and analyses were performed during the development of MACT standards for major iron and steel foundries in 1998. Although primarily a 1998 snapshot of the industry, this database was continually updated with new information regarding plant closures and new control equipment installation throughout the major source rule development. Consequently, this database includes the most recent data for a substantial number of area source foundries, and forms the foundation of the environmental and economic impact analysis for area source iron and steel foundries. We intend to apply GACT as control options for regulated emission sources. Several HAPs have been identified that may be present in air emissions in significant enough quantities to be of concern. The metal HAPs emitted from melting furnaces include cadmium, chromium, lead, manganese, and nickel. Aromatic organic HAPs

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

produced by mold- and core-making lines, melting furnaces, and pouring, cooling, and shakeout (PCS) lines contain acetophenone, benzene, cumene, dibenzofurans, dioxins, naphthalene, phenol, pyrene, toluene, and xylene. The nonaromatic organic HAPs emitted are formaldehyde, methanol, and triethylamine. There are approximately 240 area source iron foundries in the U.S., with about 70 percent being small businesses. We estimate that 60 percent of the area source iron foundries have production under 10,000 tons per year. There are approximately 190 area source steel foundries in the U.S., with about 70 percent being small businesses. We estimate that 80 percent of the area source steel foundries have production under 10,000 tons per year.

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

**Federalism:** Undetermined

**Additional Information:** SAN No. 4879

**Agency Contact:** Conrad Chin, Environmental Protection Agency, Air and Radiation, D243-02, Research Triangle Park, NC 27711  
Phone: 919 541-1512  
Email: chin.conrad@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

**RIN:** 2060-AM36

**2729. NESHAP: AREA SOURCE STANDARDS—PLATING AND POLISHING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 01/00/08 |         |
| Final Action | 06/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4886

**Agency Contact:** Donna Jones, Environmental Protection Agency, Air and Radiation, D243-02, Research Triangle Park, NC 27709  
Phone: 919 541-5251  
Fax: 919 541-3207  
Email: jones.donna@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

**RIN:** 2060-AM37

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

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4884;

**Agency Contact:** Jim Eddinger, Environmental Protection Agency, Air and Radiation, D243-01, Research Triangle Park, NC 27711  
Phone: 919 541-5426  
Fax: 919 541-5450  
Email: eddinger.jim@epamail.epa.gov

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

Robert J. Wayland, Environmental Protection Agency, Air and Radiation, D243-01, Research Triangle Park, NC 27711  
 Phone: 919 541-1045  
 Fax: 919 541-5450  
 Email: wayland.robertj@epamail.epa.gov  
 RIN: 2060-AM44

**2731. FLEXIBLE AIR PERMIT RULE****Priority:** Other Significant**Legal Authority:** Clean Air Act title V**CFR Citation:** 40 CFR 70**Legal Deadline:** None

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

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 06/00/07 |         |
| Final Action | 03/00/08 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4885;

**Agency Contact:** Mike Trutna, Environmental Protection Agency, Air and Radiation, C304-03, Research Triangle Park, NC 20460  
 Phone: 919 541-5345  
 Fax: 919 541-4028  
 Email: trutna.mike@epa.gov

Stacey Coburn, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460  
 Phone: 202 564-2569  
 Email: coburn.stacey@epa.gov

**RIN:** 2060-AM45**2732. AREA SOURCE NESHAP FOR SECONDARY NONFERROUS METALS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, November 30, 2000.  
 Final, Judicial, December 15, 2008, Court –ordered (part of area source deadline suit).

**Abstract:** Section 112 of the Clean Air Act (CAA) requires the development of standards for area sources, which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The secondary nonferrous metals source category includes establishments primarily engaged in recovering nonferrous metals and alloys from new and used scrap and dross or in producing alloys from purchased refined metals. The secondary nonferrous metals source category is

listed to address emissions of lead from furnace operations. Plants engaged in the recovery of tin, brass, bronze, and zinc through secondary smelting and refining are included in this industry. Secondary refining and smelting produces metals from scrap and process waste. Scrap is bits and pieces of metal parts, bars, turnings, sheets, and wire that are off-specification or worn-out but are capable of being recycled. Two metal recovery technologies are generally used to produce refined metals: Pyrometallurgical and hydrometallurgical processes. Pyrometallurgical technologies are processes that use heat to separate desired metals from other less or undesirable materials, while with hydrometallurgical technologies the desired metals are separated from undesirables using techniques that capitalize on differences between constituent solubilities and/or electrochemical properties while in aqueous solutions. There are no air emissions from hydrometallurgical processes; therefore, the standard will only address pyrometallurgical (furnace) operations. The secondary nonferrous metals area source rule will address furnace melting operations for metals other than iron and steel and their alloys, with the exception of secondary lead, copper, and mercury. Secondary lead is addressed under the secondary lead NESHAP requirement for area sources; likewise, secondary copper is addressed under the secondary copper NESHAP area source standard; and the secondary Mercury standard, a RCRA air rule, regulates secondary Mercury operations; therefore, these operations will not be included under this rule,

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined

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

**Agency Contact:** Susan Fairchild, Environmental Protection Agency, Air and Radiation, C-504-05, Research Triangle Park, NC 27711  
 Phone: 919 541-5167  
 Email: fairchild.susan@epamail.epa.gov

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711  
 Phone: 919 541-2837  
 Fax: 919 541-3207  
 Email: fruh.steve@epamail.epa.gov  
**RIN:** 2060-AM70

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

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

**Agency Contact:** Phil Mulrine, Environmental Protection Agency, Air and Radiation, C439-02, Research Triangle Park, NC 27711  
 Phone: 919 541-5289  
 Email: mulrine.phil@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711  
 Phone: 919 541-2837

Fax: 919 541-3207  
 Email: fruh.steve@epamail.epa.gov

**RIN:** 2060-AM71

**2734. NESHAP: GENERAL PROVISIONS (ONCE IN ALWAYS IN)—AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63.1

**Legal Deadline:** None

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

**Timetable:**

| Action                       | Date     | FR Cite  |
|------------------------------|----------|----------|
| NPRM                         | 01/03/07 | 72 FR 69 |
| NPRM Comment Period End      | 03/05/07 |          |
| NPRM Comment Period Extended | 04/00/07 |          |
| Final Action                 | 12/00/07 |          |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Rick Colyer, Environmental Protection Agency, Air and Radiation, D205-02, Research Triangle Park, NC 27711  
 Phone: 919 541-5262  
 Email: colyer.rick@epa.gov

Michael Regan, Environmental Protection Agency, Air and Radiation, D205-02, Research Triangle Park, NC 27711

Phone: 919 541-5294  
 Email: regan.michael@epa.gov

**RIN:** 2060-AM75

**2735. NESHAP: DEFENSE LAND SYSTEMS AND MISCELLANEOUS EQUIPMENT**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**Agency Contact:** Kim Teal, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711  
 Phone: 919 541-5580  
 Email: teal.kim@epamail.epa.gov

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

Robin Dunkins, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711

Phone: 919 541-5335  
Email: dunkins.robin@epa.gov

RIN: 2060-AM84

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

#### Timetable:

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Final Action 1     | 05/20/05 | 70 FR 29400 |
| Proposed Amendment | 04/00/07 |             |
| Final Amendment    | 08/00/07 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 4927;

EPA publication information: Final Action 1 -

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

**Agency Contact:** Phil Mulrine, Environmental Protection Agency, Air and Radiation, C439-02, Research Triangle Park, NC 27711  
Phone: 919 541-5289  
Email: mulrine.phil@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711

Phone: 919 541-2837

Fax: 919 541-3207

Email: fruh.steve@epamail.epa.gov

RIN: 2060-AM85

### 2737. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NON-ATTAINMENT NEW SOURCE REVIEW (NSR): RECONSIDERATION OF INCLUSION OF FUGITIVE EMISSIONS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Lynn Hutchinson, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711

Phone: 919 541-5795

Fax: 919 541-5509

Email:

[hutchinson.lynn@epamail.epa.gov](mailto:hutchinson.lynn@epamail.epa.gov)

Pam Long, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27711

Phone: 919 541-0641

Fax: 919 541-5509

Email: [long.pam@epamail.epa.gov](mailto:long.pam@epamail.epa.gov)

RIN: 2060-AM91

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

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

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

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

**Legal Deadline:** None

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

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

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

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

**Agency Contact:** Peter Westlin, Environmental Protection Agency, Air and Radiation, D243-05, Research Triangle Park, NC 27711  
Phone: 919 541-1058  
Fax: 919 541-1039  
Email: [westlin.peter@epa.gov](mailto:westlin.peter@epa.gov)

Robin Langdon, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711  
Phone: 919 541-4048  
Email: [langdon.robin@epamail.epa.gov](mailto:langdon.robin@epamail.epa.gov)

RIN: 2060-AN00

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

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

**Timetable:**

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

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

**Agency Contact:** Tim Smith, Environmental Protection Agency, Air and Radiation, C539-04, Research Triangle Park, NC 27711  
Phone: 919 541-4718  
Fax: 919-541-5489  
Email: smith.tim@epamail.epa.gov

Carla Oldham, Environmental Protection Agency, Air and Radiation, C539-04, Research Triangle Park, NC 27711

Phone: 919 541-3347  
Fax: 919 541-5489  
Email: oldham.carla@epamail.epa.gov  
**RIN:** 2060-AN12

**2740. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES, EMISSION GUIDELINES FOR EXISTING SOURCES, AND FEDERAL PLAN: SMALL MUNICIPAL WASTE COMBUSTORS: AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA sec 111 and 129**CFR Citation:** 40 CFR 60 subparts AAAA and BBBB; 40 CFR 62 subpart JJJ**Legal Deadline:** None

**Abstract:** This rule would amend the final (December 2000) small municipal waste combustors (MWC) new source performance standards (NSPS), emission guidelines (EG), and Federal 111(d) plan. The small MWC rule regulates owners and operators of small MWC, which are MWC units with capacities between 35 tons per day (tpd) and 250 tpd. The amendments will not change the response (the types of emission controls that will be used) of the facilities to the rule, but will provide clarification and correction. Specifically, the amendments will include: (1) Fixing typographical errors created by the Office of the Federal Register; (2) approval of State operator training programs for MWC operators in the State of Minnesota (this was previously done for MWC operators in the States of Maryland and Connecticut); (3) addressing carbon monoxide (CO) emission limits during MWC malfunctions (this same provision was already added to large MWC standards in a previous rulemaking); (4) revising a CO limit for one type of MWC and a NOx limit for another type of MWC; and (5) removing one voluntary consensus standard, ASTM D-6522, which is not an appropriate test method for this industry. These changes need to be made to address compliance issues for this rule.

**Timetable:**

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

**Regulatory Flexibility Analysis**  
**Required:** No

**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 4970;

**Agency Contact:** Brian Shrager, Environmental Protection Agency, Air and Radiation, C439-01, Research Triangle Park, NC 27711  
Phone: 919 541-7689  
Fax: 919 541-7689  
Email: shrager.brian@epamail.epa.gov

Walt Stevenson, Environmental Protection Agency, Air and Radiation, C439-01, Research Triangle Park, NC 27711  
Phone: 919 541-5264  
Fax: 919 541-5264  
Email: stevenson.walt@epamail.epa.gov  
**RIN:** 2060-AN17

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

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

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

refinishing, paint stripping, and surface coating activities.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 4978;

**Agency Contact:** Warren Johnson, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711

Phone: 919 541-5214

Fax: 919 541-3470

Email: johnson.warren@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711

Phone: 919 541-5335

Email: dunkins.robin@epa.gov

**RIN:** 2060-AN21

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

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

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

**CFR Citation:** 40 CFR 50

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Dave McKee, Environmental Protection Agency, Air and Radiation, C504-06, Research Triangle Park, NC 27711

Phone: 919 541-5288

Fax: 919 541-0237

Email: mckee.dave@epa.gov

Karen Martin, Environmental Protection Agency, Air and Radiation, C504-06, Research Triangle Park, NC 27711

Phone: 919 541-5274

Fax: 919 541-0237

Email: martin.karen@epa.gov

**RIN:** 2060-AN24

### 2743. PREVENTION OF SIGNIFICANT DETERIORATION, NON-ATTAINMENT NEW SOURCE REVIEW, AND NEW SOURCE PERFORMANCE STANDARDS: EMISSIONS TEST FOR ELECTRIC GENERATING UNITS

**Priority:** Other Significant

**Legal Authority:** Clean Air Act, title I, parts C and D, and sec 111(a)(4)

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

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

**Agency Contact:** Janet McDonald, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711  
Phone: 919 541-1450  
Email: [mcdonald.janet@epamail.epa.gov](mailto:mcdonald.janet@epamail.epa.gov)

Dave Svendsgaard, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-2380  
Fax: 919 541-5509  
Email: [svendsgaard.dave@epa.gov](mailto:svendsgaard.dave@epa.gov)

**RIN:** 2060-AN28

#### 2744. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4701 et seq

**CFR Citation:** 40 CFR 63.210 to 63.217

**Legal Deadline:** None

**Abstract:** This action would amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Polyvinyl Chloride and Copolymers. These standards were proposed on December 8, 2000 (65 FR 76958), and originally promulgated on July 10, 2002 (67 FR 45886), but were vacated by the DC Circuit on June 18, 2004, in *Mossville Environmental Action v. EPA*, 370 F.3d 1232 (DC Cir. 2004). This action assures continuity of the parts of the standard that were upheld by the court, and addresses the component of these standards, regarding the use of vinyl chloride as a surrogate for all other HAP, that was not upheld by the court.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4988; EPA Docket information: OAR-2002-0037

**Agency Contact:** Greg Nizich, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27709  
Phone: 919 541-3078  
Email: [nizich.greg@epamail.epa.gov](mailto:nizich.greg@epamail.epa.gov)

KC Hustvedt, Environmental Protection Agency, Air and Radiation, C143-01, Research Triangle Park, NC 27711  
Phone: 919 541-5395  
Fax: 919 541-0246  
Email: [hustvedt.ken@epamail.epa.gov](mailto:hustvedt.ken@epamail.epa.gov)

**RIN:** 2060-AN33

#### 2745. NESHAP: SITE REMEDIATION AMENDMENTS—RESPONSE TO LITIGATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63 subpart GGGGG

**Legal Deadline:** None

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

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Greg Nizich, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27709  
Phone: 919 541-3078  
Email: [nizich.greg@epamail.epa.gov](mailto:nizich.greg@epamail.epa.gov)

Kent Hustvedt, Environmental Protection Agency, Air and Radiation,

C439-03, Research Triangle Park, NC 27711

Phone: 919 541-5395  
Fax: 919 541-0246  
Email: [hustvedt.ken@epa.gov](mailto:hustvedt.ken@epa.gov)

**RIN:** 2060-AN36

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

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs are subjected to standards. The strategy was published on July 19, 1999, and listed various area source categories emitting at least one of the urban HAPs. EPA eventually listed a total of 70 source categories that collectively account for at least 90 percent of the urban HAPs in urban areas. As such, EPA is required to subject these source categories to regulations issued under section 112(d). Furthermore, EPA has received a court order requiring that the Agency complete the 112(k) mandate by certain dates. Specifically, the court order requires that EPA issue regulations affecting six of these area source categories by June 15, 2007. This action will satisfy the second date under this mandate by consolidating activities into one notice for the following seven source categories: Acrylic Fibers/Modacrylic Fibers Production; Chemical Manufacturing; Chromium Compounds, Flexible Polyurethane Foam Fabrication

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

Operations, Flexible Polyurethane Foam Production, Carbon Black Production, Lead Acid Battery Manufacturing, and Wood Preserving. These source categories have been selected because our information indicates that one of the following situations apply: 1) There are only 1 to 2 sources in the source category that are well-controlled and subject to existing regulations and/or permit conditions (Acrylic/Modacrylic Fibers; Chemical Manufacturing; Chromium Chemicals, Carbon Black Production); 2) the urban HAPs emitted from the source category have been eliminated as a result of other regulatory programs (e.g., OSHA) (Flexible Foam Production, Flexible Foam Manufacturing, Wood Preserving); 3) all existing sources within the source category can meet current requirements (e.g., NSPS) that apply to new sources (Lead Acid Battery Manufacturing).

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 04/04/07 | 72 FR 16635 |
| NPRM Comment Period End | 05/04/07 |             |
| Final Action            | 06/00/07 |             |

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

Undetermined

**Additional Information:** SAN No. 5012;

**Agency Contact:** Sharon Nizich, Environmental Protection Agency, Air and Radiation, C439-02, Research Triangle Park, NC 27711  
Phone: 919 541-2825  
Fax: 919-541-0072  
Email: nizich.sharon@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

**RIN:** 2060-AN44**2747. NESHAP: AREA SOURCE STANDARDS—CHEMICAL PREPARATIONS INDUSTRY****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63

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

**Abstract:** This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the chemical preparations industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 5015;

**Agency Contact:** Jeff Telander, Environmental Protection Agency, Air and Radiation, C504-05, Research Triangle Park, NC 27709  
Phone: 919 541-5427  
Email: telander.jeff@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

**RIN:** 2060-AN46**2748. NESHAP: AREA SOURCE STANDARDS—PAINT AND ALLIED PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63

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

**Abstract:** This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the Paint and Allied Products industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 5016;

**Agency Contact:** Mohamed Serageldin, Environmental Protection Agency, Air and Radiation, C504-05, Research Triangle Park, NC 27711  
Phone: 919 541-2379  
Email: serageldin.mohamed@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711

Phone: 919 541-5335  
Email: dunkins.robin@epa.gov

**RIN:** 2060-AN47**2749. PROTECTION OF STRATOSPHERIC OZONE: AMENDING REQUIREMENTS TO IMPORT USED OZONE-DEPLETING SUBSTANCES FOR DESTRUCTION IN THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 5017

**Agency Contact:** Kirsten Cappel, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460  
Phone: 202 343-9556  
Fax: 202 343-2338  
Email: cappel.kirsten@epamail.epa.gov

Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9870  
Fax: 202 565-2155  
Email: banks.julius@epamail.epa.gov

**RIN:** 2060-AN48

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**2750. ACTION ON PETITION TO LIST DIESEL EXHAUST AS A HAZARDOUS AIR POLLUTANT****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112(b)(3)**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Judicial, March 14, 2007, As per 12/2005 Consent Decree, extended several times from original date of 6/12/2006. Final, Judicial, May 1, 2007, As per 12/2005 Consent Decree. Only required if Agency proposes to grant petition.**Abstract:** EPA received a petition from Environmental Defense to list Diesel Exhaust as a Hazardous Air Pollutant (HAP). This notice announces EPA's decision to deny the petition. This decision is based on several considerations. First, diesel exhaust is a mixture of numerous chemicals and its composition can vary between engines and under different operating conditions. Thus, "diesel exhaust" is not appropriate for listing because it does not present an effective regulatory target. Second, adding an emission mixture such as diesel exhaust to the list of hazardous air pollutants appears to be contrary to Congress' intent that EPA list individual substances rather than mixtures. Finally, adding diesel exhaust to the list of hazardous air pollutants would have little practical impact on public health or the environment because EPA is already addressing emissions from diesel engines through a number of voluntary and regulatory programs, and adding diesel exhaust to the list of HAP would not likely impact the level of control achieved in these programs.

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5020; EPA Docket information: EPA-HQ-OAR-2005-0489**Agency Contact:** Jaime Pagan, Environmental Protection Agency, Air

and Radiation, Research Triangle Park, NC 27711

Phone: 919 541-5340

Fax: 919 541-5450

Email: pagan.jaime@epamail.epa.gov

Robert Wayland, Environmental Protection Agency, Air and Radiation, D243-01, Research Triangle Park, NC 27711

Phone: 919 541-1045

Email:

wayland.robertj@epamail.epa.gov

**RIN:** 2060-AN49**2751. PROTECTION OF STRATOSPHERIC OZONE: BAN ON THE IMPORT OF PRE-CHARGED PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414, 7601, 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None**Abstract:** EPA is concerned with the environmental impacts that could result from the potential continued imports of HCFC pre-charged products after the phaseout of production and importation of bulk substances. Similar concerns resulted in banning the imports of CFC pre-charged refrigeration products after the 1996 phaseout of production and import of bulk substances. Therefore, EPA intends to propose regulations banning the imports of HCFC pre-charged products under the provisions within title VI of CAAA.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5052;**URL For More Information:**

www.epa.gov/ozone/title6

**Agency Contact:** Cindy Newberg, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9729

Fax: 202 343-2337

Email: newberg.cindy@epamail.epa.gov

**RIN:** 2060-AN58**2752. TRANSITION TO NEW OR REVISED PARTICULATE MATTER (PM) NAAQS****Priority:** Other Significant**Legal Authority:** 42 USC 7410; 42 USC 7501 et seq**CFR Citation:** 40 CFR 51**Legal Deadline:** Other, Statutory, January 31, 2006, The 12/20/05 PM NAAQS proposal stated EPA will issue ANPRM for implementation.**Abstract:** In 1997, EPA promulgated revised National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). EPA will be proposing revised NAAQS for PM-2.5 and new standard PM10-2.5 on December 20, 2005. In order to provide insight for the public on what EPA is thinking in regards to implementing the revised standard for PM2.5 and the transition from a PM10 standard to a PM10-2.5 standard, EPA is providing this advance notice of proposed rulemaking. This ANPRM should also provide an opportunity for the public to provide input on the best way to implement these actions. Public comment period will be extended until July 10, 2006. A proposal will be developed after the PM NAAQS are finalized in September 2006.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4752.1; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/February/Day-09/a1798.htm>; Split from RIN 2060-AK74.**Agency Contact:** Barbara Driscoll, Environmental Protection Agency, Air and Radiation, C539-04, Research Triangle Park, NC 27711  
Phone: 919 541-1051  
Fax: 919 541-5489  
Email: driscoll.barbara@epamail.epa.govJoe Paisie, Environmental Protection Agency, Air and Radiation, C504-02, Research Triangle Park, NC 27711  
Phone: 919 541-5556

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

Fax: 919 541-0942  
Email: paisie.joe@epa.gov

RIN: 2060-AN59

### 2753. REVISIONS TO THE DEFINITION OF POTENTIAL TO EMIT (PTE)

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

#### Timetable:

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

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

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

**Agency Contact:** Grecia Castro, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-1351  
Fax: 919 541-5509  
Email: castro.grecia@epamail.epa.gov

Lynn Hutchinson, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-5795  
Fax: 919 541-5509  
Email: hutchinson.lynn@epamail.epa.gov

RIN: 2060-AN65

### 2754. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: SAFETEA-LU HOV FACILITIES RULE

**Priority:** Other Significant

**Legal Authority:** 23 USC 1121

**CFR Citation:** 40 CFR 86

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

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

#### Timetable:

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

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

**Agency Contact:** Mary Manners, Environmental Protection Agency, Air and Radiation, Ann Arbor, MI 48105  
Phone: 734 214-4873  
Email: manners.mary@epamail.epa.gov

Tandi Bagian, Environmental Protection Agency, Air and Radiation, AAIO, Ann Arbor, MI 48105  
Phone: 734 214-4901  
Email: bagian.tandi@epamail.epa.gov

RIN: 2060-AN68

### 2755. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR AEROSOL COATINGS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7511b

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

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

**Abstract:** Under section 183(e) of the Clean Air Act, the EPA is required to list and schedule for regulation those categories of consumer or commercial products that account for at least 80 percent of volatile organic compound (VOC) emissions, on a reactivity adjusted basis, in areas that violate the National Ambient Air Quality Standard for ozone. This rule is intended to meet that requirement for the aerosol spray paint category listed on March 23, 1995. This national regulation will establish a uniform reactivity-based standard for aerosol spray paints modeled after the California Air Resource Board (CARB) Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions. EPA granted final approval of the revisions to the California State Implementation Plan containing this regulation on September 13, 2005. Although mass-based VOC reductions have been made in the aerosol coating category, this reactivity-based approach will achieve additional reductions in ozone formation where further mass-based reductions have proven to be technologically infeasible. This national rule is projected to better control a product's contribution to ozone formation by encouraging reductions of higher reactivity VOCs, rather than treating all VOCs in a product alike through a mass-based approach.

#### Timetable:

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

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5030;

**Agency Contact:** Kaye Whitfield, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-2509  
Fax: 919 541-0072  
Email: whitfield.kaye@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711  
Phone: 919 541-5335  
Email: dunkins.robin@epa.gov

RIN: 2060-AN69

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**2756. PETROLEUM REFINERIES—  
NEW SOURCE PERFORMANCE  
STANDARDS (NSPS)—SUBPART J****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60**Legal Deadline:** NPRM, Judicial, April 28, 2007, Lawsuit by Sierra Club and Our Children's Earth Foundation. Final, Judicial, April 28, 2008, Lawsuit by Sierra Club and Our Children's Earth Foundation.**Abstract:** Section 111(b)(1)(B) of the Clean Air Act requires EPA to review new source performance standards at least every 8 years. Under this project, we will review and, if appropriate, revise the new source performance standards for petroleum refineries (subpart J in part 60). We will determine if actual emission reductions currently being achieved due to other programs are greater than the requirements in the current NSPS standards, and whether the current standards should be revised.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5036**Agency Contact:** Bob Lucas, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711  
Phone: 919 541-0884  
Fax: 919 541-0246  
Email: lucas.bob@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711

Phone: 919 541-5395

Fax: 919 541-0246

Email: hustvedt.ken@epa.gov

**RIN:** 2060-AN72**2757. REVISION TO DEFINITION OF  
VOLATILE ORGANIC COMPOUNDS—  
EXCLUSION OF FOUR COMPOUNDS****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA**CFR Citation:** 40 CFR 51.100**Legal Deadline:** None**Abstract:** The EPA is proposing to add four compounds (benzotrifluoride, dimethyl succinate, propylene carbonate, and dimethyl carbonate) to the list of negligibly reactive compounds in EPA's definition of VOC.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 5045;**Agency Contact:** William L. Johnson, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711

Phone: 919 541-5245

Fax: 919 541-0824

Email:

johnson.williaml@epamail.epa.gov

Terry Keating, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460  
Phone: 202 564-1174  
Email: keating.terry@epa.gov**RIN:** 2060-AN75**2758. REVIEW OF THE NATIONAL  
AMBIENT AIR QUALITY STANDARDS  
FOR LEAD****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 7408; 42 USC 7409**CFR Citation:** 40 CFR 50**Legal Deadline:** Final, Judicial, September 1, 2008, Court-ordered schedule.**Abstract:** On October 5, 1978, the EPA promulgated primary and secondary NAAQS for lead under section 109 of the Act (43 FR 46258). Both primary and secondary standards were set at a level of 1.5  $\mu\text{m}^3$  as a quarterly average (maximum arithmetic mean averaged over a calendar quarter). Subsequent to this initial standard-setting, the Clean Air Act requires that the standard be reviewed periodically. The last such review occurred during the period 1986 to 1990. For that review, an Air Quality Criteria Document (AQCD) was

completed in 1986 with a supplement in 1990. Based on information contained in the AQCD, an EPA Staff Paper and Exposure Assessment were prepared. Following the completion of these documents, the agency did not propose any revisions to the 1978 Pb NAAQS. The current review of the Pb air-quality criteria was initiated in November 2004 by EPA's National Center for Environmental Assessment (NCEA) with a general call for information published in the Federal Register. In January 2005, NCEA released a work plan for the review and revision of the Pb AQCD. Workshops were held to provide author feedback on a developing draft of the AQCD in August 2005. The draft AQCD was released December 1, 2005. The EPA Office of Air Quality Planning and Standards will prepare a Staff Paper for the Administrator, which will evaluate the policy implications of the key studies and scientific information contained in the AQCD and additional technical analyses, and identify critical elements that EPA staff believe should be considered in reviewing the standards. The AQCD and Staff Paper will be reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public, and both final documents will reflect the input received through these reviews. As the lead NAAQS review is completed, the Administrator's proposal to reaffirm or revise the lead NAAQS will be published with a request for public comment. Input received during the public comment period will be considered in the Administrator's final decision.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 5059**Agency Contact:** Ginger Tennant, Environmental Protection Agency, Air and Radiation, C504-06, Research Triangle Park, NC 27711

Phone: 919 541-4072

Fax: 919 541-0237

Email: tennant.ginger@epa.gov

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

Karen Martin, Environmental Protection Agency, Air and Radiation, C504-06, Research Triangle Park, NC 27711  
 Phone: 919 541-5274  
 Fax: 919 541-0237  
 Email: martin.karen@epa.gov  
**RIN:** 2060-AN83

### 2759. RISK AND TECHNOLOGY REVIEW PHASE II

**Priority:** Other Significant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** EPA is required to evaluate the risk remaining at facilities 8 years after they are required to comply with MACT air-toxic emission standards according to section 112 (f)(2) of the Clean Air Act (CAA). EPA is also required to review and revise the MACT standards if needed every 8 years with regard to practices, processes, and control technologies according to section 112(d)(6) of the CAA. EPA will combine the remaining MACT source categories requiring residual risk and technology reviews into several groups to enable us to more closely meet statutory dates, raise and resolve programmatic issues in one action, minimize resources by using available data and focusing on high risk sources, and provide consistent review and analysis. We will use available data including emissions from the most recent 2002 national emission inventory (NEI) and augment it with available site-specific data. We will focus this action on 33 MACT standards with compliance dates of 2002 and earlier and will model each MACT source category to obtain inhalation risks, including cancer risk and incidence, population cancer risk, and non-cancer effects (chronic and acute). We will follow the Benzene Policy to identify the source categories as low risk, acceptable risk, or unacceptable risk. We then plan to publish the emissions data and risk results in an ANPRM before the end of the 2006 calendar year and solicit public comments and corrections, including better source data. We will then remodel the categories based on the updated data. EPA will then set aside low-risk source categories and persistent bio-accumulative (PB) source categories. The PB source categories require multi-pathway analysis and will

be addressed on a slower track. EPA will then focus on the remaining categories, evaluating the effectiveness and cost of additional risk reduction options and making acceptability and ample-margin-of-safety determinations. We intend to propose an NPRM in the spring of 2007, address public comments, and promulgate the final action in spring of 2008 on the first group of MACT categories. Where additional controls are identified, standards would be developed that include technology, work practice, or performance standards as amendments to the existing MACT standards. For source categories where additional standards are needed to provide an ample margin of safety, a low risk exemption would be provided and EPA would use an analysis to identify low risk source characteristics that would exempt a portion of the source category from additional requirements. Site-specific risk assessments could also be used to show low risk. A total facility low risk determination (TFLRD) will be presented as a voluntary approach where a facility can perform a site-specific risk assessment to determine if it is low risk. Low risk facilities would satisfy all of their residual risk requirements by demonstrating compliance with the TFLRD approach.

The 33 MACT source categories are listed below.

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

21. Phosphoric Acid
22. Phosphate Fertilizers
23. Wool Fiberglass
24. Portland Cement
25. Oil & Natural Gas
26. Natural Gas Transmission
27. Steel Pickling
28. GMACT I Acetal Resins
29. GMACT II Acrylic/Modacrylic fibers
30. GMACT III Hydrogen Fluoride
31. GMACT IV Polycarbonates
32. POTW
33. Secondary Aluminum

#### Timetable:

| Action     | Date     | FR Cite |
|------------|----------|---------|
| NPRM       | 08/00/07 |         |
| Final Rule | 06/00/09 |         |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5093;

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

**Agency Contact:** Paula Hirtz, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27711  
 Phone: 919 541-2618  
 Fax: 919 541-0246  
 Email: hirtz.paula@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27711  
 Phone: 919 541-5395  
 Fax: 919 541-0246  
 Email: hustvedt.ken@epa.gov

**RIN:** 2060-AN85

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**2760. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NON-ATTAINMENT NEW SOURCE REVIEW (NSR): REASONABLE POSSIBILITY IN RECORDKEEPING****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA title 1 C and D**CFR Citation:** 40 CFR 51, app S; 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** Final, Judicial, September 30, 2007, OGC told the court that the final would be signed in September EPA is at risk of being put on a court-ordered deadline.**Abstract:** This rulemaking would clarify the “reasonable possibility” recordkeeping standard that we promulgated in the NSR Reform rule of 2002. In June 2005, the DC Circuit Court remanded the rule for EPA to provide such clarification. For tracking and reporting, certain records must be kept only if there is a “reasonable possibility” that a proposed project will result in a significant emissions increase. We are proposing one or more scenarios under which the recordkeeping standard is applicable.**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 03/08/07 | 72 FR 10445 |
| NPRM Comment Period End | 05/07/07 |             |
| Final Action            | 08/00/07 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5076; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/March/Day-08/a3897.htm>;**Agency Contact:** Lisa Sutton, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27711  
Phone: 919 541-3450  
Fax: 919 541-5509  
Email: [sutton.lisa@epamail.epa.gov](mailto:sutton.lisa@epamail.epa.gov)Jessica Montanez, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-3407  
Fax: 919 541-5509  
Email: [montanez.jessica@epamail.epa.gov](mailto:montanez.jessica@epamail.epa.gov)**RIN:** 2060-AN88**2761. • REFINEMENT TO INCREMENT MODELING PROCEDURES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** Part C of title I of the Clean Air Act (CAA) contains the requirements for a component of the major New Source Review (NSR) program known as the Prevention of Significant Deterioration (PSD) program. This program sets forth procedures for the preconstruction review and permitting of new and modified major stationary sources of air pollution located in areas meeting the National Ambient Air Quality Standards (NAAQS); i.e., “attainment” areas, or in areas for which there is insufficient information to classify an area as either attainment or nonattainment; i.e., “unclassifiable” areas. The applicability of the PSD program to a particular source must be determined in advance of construction and is pollutant-specific.

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 5100;**Agency Contact:** Jessica Montanez, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-3407  
Fax: 919 541-5509  
Email: [montanez.jessica@epamail.epa.gov](mailto:montanez.jessica@epamail.epa.gov)Dave Svendsgaard, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-2380  
Fax: 919 541-5509  
Email: [svendsgaard.dave@epa.gov](mailto:svendsgaard.dave@epa.gov)**RIN:** 2060-AO02**2762. • HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATION UNITS—RESPONSE TO REMAND AND 5-YEAR TECHNOLOGY REVIEW****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60**Legal Deadline:** NPRM, Judicial, January 27, 2007, As per 1/27/2006 Settlement Agreement.  
Final, Judicial, January 27, 2008, As per 1/27/2006 Settlement Agreement.**Abstract:** Under section 129 of the Clean Air Act (CAA), EPA is required to adopt and implement maximum achievable control technology (MACT) standards for both new and existing hospital/medical/infectious waste incineration units (HMIWI). Regulations for HMIWI were promulgated on September 15, 1997, and those standards have been adopted and fully implemented with all retrofits completed. However, these regulations were subsequently remanded by the Court on March 2, 1999. The fundamental issue leading to the remand was the approach and methodology used by EPA to develop the HMIWI regulations. In effect, the Court questioned whether the regulations developed by EPA reflected

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

**Timetable:**

| Action                     | Date     | FR Cite    |
|----------------------------|----------|------------|
| NPRM                       | 02/06/07 | 72 FR 5509 |
| NPRM Comment<br>Period End | 04/09/07 |            |
| Final Action               | 02/00/08 |            |

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

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

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

**URL For More Information:**

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

**Agency Contact:** Mary Johnson, Environmental Protection Agency, Air and Radiation, D243-01, Research Triangle Park, NC 27711  
Phone: 919 541-5025  
Fax: 919 541-5450  
Email: johnson.mary@epa.gov

Brian Shrager, Environmental Protection Agency, Air and Radiation, C439-01, Research Triangle Park, NC 27711

Phone: 919 541-7689

Fax: 919 541-7689

Email: shrager.brian@epamail.epa.gov

**RIN:** 2060-AO04

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 81

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

**Abstract:** This rule proposes to defer the effective date of nonattainment designations for the Denver Early Action Compact (EAC) area from July 1, 2007, until April 15, 2008. In a previous rulemaking (November 29, 2006), EPA deferred until April 15, 2008, the nonattainment designations for 13 other EAC areas which agreed to reduce ground-level ozone pollution earlier than the Clean Air Act requires and to attain the National Ambient Air Quality Standards (NAAQS) for ozone by December 31, 2007. This action must be finalized and published in the Federal Register by March 1, 2007, in order to obtain public comments, finalize a rule, and publish by June 1, 2007, which will make it effective 30 days prior to the July 1, 2007, deferral date. If this timing is not met then

Denver will automatically lapse into nonattainment.

**Timetable:**

| Action                     | Date     | FR Cite    |
|----------------------------|----------|------------|
| NPRM                       | 03/01/07 | 72 FR 9285 |
| NPRM Comment<br>Period End | 04/02/07 |            |
| Final Action               | 06/00/07 |            |

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

**Additional Information:** SAN No. 4839.6; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-09/a12960.htm>; Split from RIN 2060-AN90. Split from RIN 2060-AN04. Split from RIN 2060-AM03. Promulgation of SAN 4839 will include the material formerly proposed as SAN 4798. SAN 4798 has been merged into SAN 4839.

**Agency Contact:** Barbara Driscoll, Environmental Protection Agency, Air and Radiation, C539-04, Research Triangle Park, NC 27711  
Phone: 919 541-1051  
Fax: 919 541-5489  
Email: driscoll.barbara@epamail.epa.gov

David Cole, Environmental Protection Agency, Air and Radiation, C304-05, Research Triangle Park, NC 20460  
Phone: 919 541-5565  
Email: cole.david@epa.gov

**RIN:** 2060-AO05

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Randy McDonald, Environmental Protection Agency, Air and Radiation, C504-04, Research Triangle Park, NC 27711  
Phone: 919 541-5402  
Email: [mcdonald.randy@epamail.epa.gov](mailto:mcdonald.randy@epamail.epa.gov)

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27711

Phone: 919 541-5395

Fax: 919 541-0246

Email: [hustvedt.ken@epa.gov](mailto:hustvedt.ken@epa.gov)

**RIN:** 2060-AO07

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

(O<sub>3</sub>) sub-index in terms of 8-hour average O<sub>3</sub> concentrations; a new sub-index for fine particulate matter (PM<sub>2.5</sub>); and conforming changes to the sub-indices for coarse particulate matter (PM<sub>10</sub>), carbon monoxide (CO), and sulfur dioxide (SO<sub>2</sub>). In addition, EPA changed the name of the index from the Pollutant Standards Index to the Air Quality Index (AQI). The revisions enhance the communication of pollutant-specific health effects information to members of sensitive groups, including precautionary actions that can be taken by individuals to reduce exposures of concern. The revisions also enhance the usefulness of the AQI with regard to other programs that provide air quality information and related health information to the general public, including State and local real-time air quality data mapping and community action programs.

In 2006, EPA promulgated a revised national ambient air quality standard (NAAQS) for PM<sub>2.5</sub> levels of 35 ug/m<sup>3</sup>, 24-hour average. The purpose of this rulemaking is to make revisions to the AQI sub-index for PM<sub>2.5</sub> to be consistent with the new daily standard. It is important to make this revision expeditiously to allow members of the public, especially members of sensitive groups, to take exposure reduction measures when PM<sub>2.5</sub> levels are forecasted to be high. State and local air agencies are encouraging EPA to make the revisions as soon as possible.

EPA has never set a Significant Harm Level (SHL) for PM<sub>2.5</sub>. There are SHLs for sulfur dioxide, ozone, carbon monoxide, PM<sub>10</sub>, and nitrogen dioxide. Designated areas must have contingency plans in place to prevent ever reaching this level. There is not currently an SHL for PM<sub>2.5</sub>. The SHL is typically the same concentration as the 500 level of the AQI. So along with revising the AQI for PM<sub>2.5</sub>, we will also set an SHL for PM<sub>2.5</sub>.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Susan Stone, Environmental Protection Agency, Air and Radiation, C504-06, Research Triangle Park, NC 27711  
Phone: 919 541-1146  
Email: [stone.susan@epa.gov](mailto:stone.susan@epa.gov)

Tom Helms, Environmental Protection Agency, Air and Radiation, C304-04, Research Triangle Park, NC 20460  
Phone: 919 541-5527  
Email: [helms.tom@epa.gov](mailto:helms.tom@epa.gov)

**RIN:** 2060-AO11

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

**Agency Contact:** Brian Shrager, Environmental Protection Agency, Air and Radiation, C439-01, Research Triangle Park, NC 27711  
Phone: 919 541-7689  
Fax: 919 541-7689  
Email: shrager.brian@epamail.epa.gov

Mary Johnson, Environmental Protection Agency, Air and Radiation, D243-01, Research Triangle Park, NC 27711  
Phone: 919 541-5025  
Fax: 919 541-5450  
Email: johnson.mary@epa.gov

**RIN:** 2060-AO12

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

**Priority:** Other Significant

**Legal Authority:** Clean Air Act

**CFR Citation:** Not Yet Determined

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5132;

**Agency Contact:** Bruce Moore, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711  
Phone: 919 541-5460  
Fax: 919 541-3470  
Email: moore.bruce@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711  
Phone: 919 541-5335  
Email: dunkins.robin@epa.gov

**RIN:** 2060-AO14

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

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

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

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**Agency Contact:** Keith Barnett, Environmental Protection Agency, Air and Radiation, D243-02, Research Triangle Park, NC 27711  
Phone: 919 541-5605  
Fax: 919 541-3207  
Email: barnett.keith@epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

**RIN:** 2060-AO15

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

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** EPA is required to evaluate the risk remaining at facilities 8 years after they are required to comply with MACT air-toxic emission standards according to section 112 (f)(2) of the Clean Air Act (CAA). EPA is also required to review and revise the MACT standards if needed every 8 years with regard to practices, processes, and control technologies according to section 112(d)(6) of the CAA. We will use available data

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

including emissions from the most recent 2002 national emission inventory (NEI) and augment it with available site-specific data. We will model each MACT source category to obtain inhalation risks, including cancer risk and incidence, population cancer risk, and non-cancer effects (chronic and acute). We will follow the Benzene Policy to identify the source categories as low risk, acceptable risk, or unacceptable risk.

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Mary Kissell, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 20460  
Phone: 919 541-4516  
Fax: 919 685-3219  
Email: kissell.mary@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27711  
Phone: 919 541-5395  
Fax: 919 541-0246  
Email: hustvedt.ken@epa.gov

**RIN:** 2060-AO16

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Dave Sanders, Environmental Protection Agency, Air and Radiation, C539-01, Research Triangle Park, NC 27711  
Phone: 919 541-3356  
Fax: 919 541-0824  
Email: sanders.dave@epamail.epa.gov

William L. Johnson, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711  
Phone: 919 541-5245  
Fax: 919 541-0824  
Email: johnson.williaml@epamail.epa.gov

**RIN:** 2060-AO17

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 60

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

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 03/20/07 | 72 FR 13016 |
| NPRM Comment<br>Period End | 04/19/07 |             |
| Final Action               | 07/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Walt Stevenson, Environmental Protection Agency, Air and Radiation, C439-01, Research Triangle Park, NC 27711  
Phone: 919 541-5264  
Fax: 919 541-5264  
Email: stevenson.walt@epamail.epa.gov

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

Brian Shrager, Environmental Protection Agency, Air and Radiation, C439-01, Research Triangle Park, NC 27711

Phone: 919 541-7689

Fax: 919 541-7689

Email: shrager.brian@epamail.epa.gov

RIN: 2060-AO18

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

**Priority:** Other Significant

**Legal Authority:** Clean Air Act

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

**Legal Deadline:** None

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

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

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

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Raj Rao, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27709  
Phone: 919 541-5344  
Fax: 919 541-5509  
Email: rao.raj@epa.gov

Dan Deroeck, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27709  
Phone: 919 541-5593  
Fax: 919-685-3009  
Email: deroeck.dan@epamail.epa.gov

RIN: 2060-AO24

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

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

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Staci Gatica, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460  
Phone: 202 343-9469  
Email: gatica.staci@epa.gov

Marta Montoro, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW., Washington, DC 20460  
Phone: 202 343-9321  
Fax: 202 565-2079  
Email: montoro.marta@epamail.epa.gov

RIN: 2060-AO28

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Timetable:**

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

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

Phone: 202 343-9215

Fax: 202 343-2338

Email: levy.aaron@epamail.epa.gov

Marta Montoro, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW., Washington, DC 20460

Phone: 202 343-9321

Fax: 202 565-2079

Email: montoro.marta@epamail.epa.gov

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

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

**Timetable:**

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

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

Phone: 202 343-9141

Fax: 202 343-2359

Email: steiner.elyse@epamail.epa.gov

Meg Victor, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460

Phone: 202 343-9193

Email: victor.meg@epamail.epa.gov

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

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

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

Phone: 734 214-4532

Fax: 734 214-4050

Email: samulski.michael@epa.gov

Glenn Passavant, Environmental Protection Agency, Air and Radiation, OAR/OTAQ/ASD, Ann Arbor, MI 48105

Phone: 734 214-4408

Fax: 734 214-4050

Email:

passavant.glenn@epamail.epa.gov

**RIN:** 2060-AO35Environmental Protection Agency (EPA)  
Clean Air Act (CAA)

## Final Rule Stage

**2777. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 49 CFR 123**Legal Deadline:** None**Abstract:** EPA is finalizing Federal Implementation Plans to regulate emissions from the Navajo Generating Station and the Four Corners Power Plant. The plants were previously complying with emissions limits in the Arizona and New Mexico State Implementation Plans. However, EPA's promulgation of the Tribal Authority Rule clarified that State air quality regulations generally could not be

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

**Timetable:**

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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

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

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Tribal**Additional Information:** SAN No. 4315; Formerly listed as RIN 2060-AI79

**Agency Contact:** Rebecca Rosen, Environmental Protection Agency, Regional Office San Francisco, San Francisco, CA 94105  
 Phone: 415 947-4152  
 Email: rosen.rebecca@epa.gov

Colleen McKaughan, Environmental Protection Agency, AIR1, 4000 U.S. Courthouse, 230 North 1st Avenue, Phoenix, AZ 85025  
 Phone: 520 498-0118  
 Fax: 520 498-1333  
 Email: mckaughan.colleen@epamail.epa.gov

RIN: 2009-AA00

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

**Additional Information:** SAN No. 3569;NPRM-  
<http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-12/a15097.pdf>; Formerly listed as RIN 2060-AF42

**Agency Contact:** Rebecca Rosen, Environmental Protection Agency, Regional Office San Francisco, San Francisco, CA 94105  
 Phone: 415 947-4152  
 Email: rosen.rebecca@epa.gov

Colleen McKaughan, Environmental Protection Agency, AIR1, 4000 U.S. Courthouse, 230 North 1st Avenue, Phoenix, AZ 85025  
 Phone: 520 498-0118  
 Fax: 520 498-1333  
 Email: mckaughan.colleen@epamail.epa.gov

RIN: 2009-AA01

**2779. EVALUATION OF UPDATED TEST PROCEDURES FOR THE CERTIFICATION OF GASOLINE DEPOSIT CONTROL ADDITIVES****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA 211**CFR Citation:** 40 CFR 80**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4531;

**Agency Contact:** Jeff Herzog, Environmental Protection Agency, Air and Radiation, ASD, Ann Arbor, MI 48105  
 Phone: 734 214-4227  
 Email: herzog.jeff@epamail.epa.gov

RIN: 2060-AJ61

**2780. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY****Priority:** Other Significant**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 49**Legal Deadline:** None

**Abstract:** As required by the Clean Air Act's New Source Review (NSR) provisions, the EPA is proposing Federal regulations governing preconstruction permitting of minor stationary sources throughout Indian Country and major stationary sources of air pollution in nonattainment areas in Indian country. The proposed Federal NSR rules would require sources in Indian country, with certain exceptions, to obtain a permit prior to construction if they are: (1) New minor sources, (2) existing minor sources undergoing modification, (3) new major sources in nonattainment areas in Indian country, (4) existing major sources in nonattainment areas in Indian country undergoing minor modification, or (5) existing major sources in nonattainment areas in Indian Country undergoing major modification. The proposed rule would also allow new or existing stationary sources of regulated NSR pollutants and HAPs to accept enforceable limits on their production capacity or hours of operation in order to be considered minor sources and avoid being subject to other Clean Air Act requirements such as the title V operating permits program. Pursuant to the Tribal Air Rule, eligible Indian Tribes may receive EPA authorization to develop and implement such programs, but these permitting programs would be

## EPA—Clean Air Act (CAA)

## Final Rule Stage

implemented by EPA if eligible Indian Tribes do not elect, or do not receive authorization to manage, such programs. These rules would not impose any mandates on Tribal governments to implement NSR permitting programs. Tribal governments may be affected, however, insofar as they own or operate sources that must obtain a permit from the EPA under the final Federal permitting program regulations.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/21/06 | 71 FR 48696 |
| Final Action | 02/00/08 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Federal, Tribal

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

**Agency Contact:** Jessica Montanez, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-3407  
Fax: 919 541-5509  
Email: [montanez.jessica@epamail.epa.gov](mailto:montanez.jessica@epamail.epa.gov)

Raj Rao, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27709  
Phone: 919 541-5344  
Fax: 919 541-5509  
Email: [rao.raj@epa.gov](mailto:rao.raj@epa.gov)

**RIN:** 2060-AH37

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

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

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

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** In 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). EPA designations of 39 nonattainment areas for the PM2.5 standards became effective on April 5, 2005. The Clean Air Fine Particle Implementation Rule, which was

proposed in the Federal Register on November 1, 2005, includes requirements and guidance for State and local air pollution agencies to follow in developing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 standards. These SIP development activities include technical analyses to identify effective strategies for reducing emissions contributing to PM-2.5 levels, and the adoption of regulations as needed in order to attain the standards. Estimates show that compliance with the standards will prevent thousands of premature deaths from heart and lung disease, tens of thousands of hospital admissions and emergency room visits, and millions of absences from school and work every year.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Rich Damberg, Environmental Protection Agency, Air and Radiation, C504-02, Research Triangle Park, NC 27711  
Phone: 919 541-5592  
Fax: 919 541-3207  
Email: [damberg.rich@epa.gov](mailto:damberg.rich@epa.gov)

Kimber Scavo, Environmental Protection Agency, Air and Radiation, C504-02, Research Triangle Park, NC 27711

Phone: 919 541-3354  
Fax: 919-541-4028  
Email: [scavo.kimber@epamail.epa.gov](mailto:scavo.kimber@epamail.epa.gov)

**RIN:** 2060-AK74

**2782. NSPS: SOCMI—WASTEWATER AND AMENDMENT TO APPENDIX C OF PART 63 AND APPENDIX J OF PART 60**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60, appendix J to part 60; 40 CFR 63, appendix C to part 63

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Sectors Affected:** 3251 Basic Chemical Manufacturing

**Agency Contact:** Brenda Shine, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711  
Phone: 919 541-3608  
Email: shine.brenda@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711

Phone: 919 541-5395  
Fax: 919 541-0246  
Email: hustvedt.ken@epa.gov

**RIN:** 2060-AE94

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3958;

**Agency Contact:** Tom Logan, Environmental Protection Agency, Air and Radiation, E143-02, Research Triangle Park, NC 27711  
Phone: 919 541-2580  
Fax: 919 541-0516  
Email: logan.tom@epamail.epa.gov

Conniesue Oldham, Environmental Protection Agency, Air and Radiation, E143-02, Research Triangle Park, NC 27711  
Phone: 919 541-7774

**Email:** oldham.conniesue@epamail.epa.gov

**RIN:** 2060-AH23

### 2784. NESHAP: HALOGENATED SOLVENT CLEANING—RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, December 2, 2002.  
Final, Judicial, April 16, 2007, Consent decree.

**Abstract:** The Halogenated Solvent Cleaning NESHAP limits emissions of HAP from solvent cleaning machines that use any of the following halogenated solvents: Methylene chloride, perchloroethylene, trichloroethylene, 1,1,1, -trichloroethane, carbon tetrachloride, chloroform, or any combination of these solvents in a total concentration greater than 5 percent by weight. Each individual solvent cleaning machine is an affected source. The Halogenated Solvent Cleaning NESHAP was projected to reduce nationwide emissions of hazardous air pollutants (HAP) from halogenated solvent cleaning machines by 85,300 tons per year, or 63 percent of the 1991 baseline emissions of 140,525 tons per year. On December 3, 1999, the rule was amended by adding compliance options for continuous web cleaning machines. Continuous web cleaning machines are considered a subset of in-line cleaning machines and are defined as: "A solvent cleaning machine in which parts such as film, coils, wire, and metal strips are cleaned at speeds typically in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent application area of the solvent cleaning machine, and then recoiled or cut." This action is required by the CAA to assess residual risk and develop standards as necessary to provide an ample margin of safety.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

**Sectors Affected:** 335999 All Other Miscellaneous Electrical Equipment and Component Manufacturing; 332999 All Other Miscellaneous Fabricated Metal Product Manufacturing; 336999 All Other Transportation Equipment Manufacturing; 337124 Metal Household Furniture Manufacturing; 332116 Metal Stamping; 339 Miscellaneous Manufacturing; 336 Transportation Equipment Manufacturing

**Agency Contact:** Lynn Dail, Environmental Protection Agency, Air and Radiation, C539-03, Research Triangle Park, NC 27711  
Phone: 919 541-2363  
Fax: 919 541-3470  
Email: dail.lynn@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711  
Phone: 919 541-5335  
Email: dunkins.robin@epa.gov

**RIN:** 2060-AK22

### 2785. NESHAP: GENERAL PROVISIONS; AMENDMENTS FOR POLLUTION PREVENTION ALTERNATIVE COMPLIANCE REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

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

**Legal Deadline:** None

**Abstract:** We are amending the part 63 General Provisions to allow facilities that are subject to a maximum achievable control technology (MACT) to discontinue unnecessary requirements if, through pollution prevention measures, they achieve and can demonstrate continued hazardous air pollutant (HAP) emission reductions equivalent to or better than the MACT level of control. The amendments would also allow a source to avoid MACT by completely eliminating HAP emissions. We are promulgating these

## EPA—Clean Air Act (CAA)

## Final Rule Stage

amendments to encourage and promote pollution prevention, which is our strategy of first choice in reducing HAP emissions. We expect these amendments to result in no additional burden for sources and air pollution control agencies. This effort is the product of discussions with State and local air pollution control officials.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 05/15/03 | 68 FR 26249 |
| Final Action | 06/00/07 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4719; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/May/Day-15/a12180.htm>;**Agency Contact:** Rick Colyer, Environmental Protection Agency, Air and Radiation, D205-02, Research Triangle Park, NC 27711  
Phone: 919 541-5262  
Email: colyer.rick@epa.gov

Michael Regan, Environmental Protection Agency, Air and Radiation, D205-02, Research Triangle Park, NC 27711

Phone: 919 541-5294  
Email: regan.michael@epa.gov**RIN:** 2060-AK54**2786. MODIFICATION OF THE ANTI-DUMPING BASELINE DATE CUT-OFF LIMIT FOR DATA USED IN DEVELOPMENT OF AN INDIVIDUAL BASELINE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)**CFR Citation:** 40 CFR 80.91(b)(1)(i); 40 CFR 80.93(a)**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4604;**Agency Contact:** Christine Brunner, Environmental Protection Agency, Air and Radiation, 6407, Ann Arbor, MI 48105  
Phone: 734 214-4287  
Email: brunner.christine@epa.govPatrice Sims, Environmental Protection Agency, Air and Radiation, Washington, DC 20460  
Phone: 202 564-8643  
Email: sims.patrice@epa.gov**RIN:** 2060-AJ82**2787. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA, SULFUR DIOXIDE (SO2) AREA****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 52**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4542; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-12/a6096.htm>;**Sectors Affected:** 32411 Petroleum Refineries**Agency Contact:** Laurie Ostrand, Environmental Protection Agency, Regional Office Denver, 8P-AR, Denver, CO 80202  
Phone: 303 312-6437  
Fax: 303 312-6064  
Email: ostrand.laurie@epa.govCynthia Cody, Environmental Protection Agency, Regional Office Denver, 8P-AR, Denver, CO 80202  
Phone: 303 312-6228  
Fax: 303 312-6064  
Email: cody.cynthia@epa.gov**RIN:** 2008-AA00**2788. INSPECTION/MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT TO THE FINAL RULE****Priority:** Other Significant**Legal Authority:** 23 USC 101; 42 USC 7401 et seq**CFR Citation:** 40 CFR 51 (Revision); 40 CFR 93 (New)**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency (EPA) has had oversight and policy development authority for Inspection and Maintenance (I/M) programs since the passage of the Clean Air Act (CAA) in 1970. The 1977 amendments to the CAA mandated I/M for certain areas with long-term air quality problems and the 1990 amendments set forth standards for implementation of I/M programs. EPA used the statutory requirements of the Act, including I/M requirements for Federal facilities, to promulgate regulations which states would use in the development of their

## EPA—Clean Air Act (CAA)

## Final Rule Stage

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4348;**Agency Contact:** Buddy Polovick, Environmental Protection Agency, Air and Radiation, 6406, Ann Arbor, MI 48105

Phone: 734 214-4928

Fax: 734 214-4052

Email:

polovick.buddy@epamail.epa.gov

Sara Schneeberg, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW., Washington, DC 20460  
Phone: 202 564-5592

Email:

schneeberg.sara@epamail.epa.gov

**RIN:** 2060-AI97
**2789. MODIFICATION OF ANTI-DUMPING BASELINES FOR GASOLINE PRODUCED OR IMPORTED FOR USE IN HAWAII, ALASKA AND THE U.S. TERRITORIES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7545; 42 USC 7601(a)**CFR Citation:** 40 CFR 80 (Revision)**Legal Deadline:** None

**Abstract:** “Dumping” refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and “dump” them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing “anti-dumping” rules on the books that codify this Clean Air Act prohibition. This action proposes to allow refiners and importers of conventional gasoline produced or imported for use in Hawaii, Alaska, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands to petition EPA to modify their baselines to use the most appropriate seasonal baseline and Complex Model for purposes of compliance with the RFG program’s anti-dumping requirements. Specifically, this action would allow refiners and importers to petition EPA to use the summer Complex Model for all anti-dumping baseline and compliance determinations for conventional gasoline produced or imported for use in Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands. This action would allow refiners and importers to petition EPA to use the winter Complex Model for all anti-dumping baseline and compliance purposes in Alaska. We are proposing this action to address certain inconsistencies in the RFG program’s anti-dumping provisions that may have significant unintended negative impacts on refiners and importers. Today’s proposed actions would not compromise the environmental goals of the RFG program, or result in any

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4632; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/January/Day-04/a043.htm>;**Agency Contact:** Marilyn Bennett, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460

Phone: 202 343-9624

Email:

bennett.marilyn@epamail.epa.gov

**RIN:** 2060-AK02
**2790. CALIFORNIA GASOLINE TECHNICAL CORRECTION**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)**CFR Citation:** 40 CFR 80.81(a)**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4722;**Agency Contact:** Christine Brunner, Environmental Protection Agency, Air and Radiation, 6407, Ann Arbor, MI 48105

Phone: 734 214-4287

Email:

brunner.christine@epamail.epa.gov

## EPA—Clean Air Act (CAA)

## Final Rule Stage

John Hannon, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW., Washington, DC 20460  
Phone: 202 564-5563  
Email: hannon.john@epamail.epa.gov

**RIN:** 2060-AK56

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80.91

**Legal Deadline:** None

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

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Christine Brunner, Environmental Protection Agency, Air and Radiation, 6407, Ann Arbor, MI 48105

Phone: 734 214-4287

Email: brunner.christine@epamail.epa.gov

Patrice Sims, Environmental Protection Agency, Air and Radiation, Washington, DC 20460  
Phone: 202 564-8643  
Email: sims.patrice@epamail.epa.gov

**RIN:** 2060-AK69

### 2792. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): DEBOTTLENECKING, AGGREGATION, AND PROJECT NETTING

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21

**Legal Deadline:** None

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

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

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

**Agency Contact:** Dave Svendsgaard, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-2380  
Fax: 919 541-5509  
Email: svendsgaard.dave@epa.gov

Lisa Sutton, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27711  
Phone: 919 541-3450  
Fax: 919 541-5509  
Email: sutton.lisa@epamail.epa.gov

**RIN:** 2060-AL75

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 86

**Legal Deadline:** None

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

#### Timetable:

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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4809;EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/January/Day-24/a110a.htm>;**Agency Contact:** Todd Sherwood, Environmental Protection Agency, Air and Radiation, AALDOC, Ann Arbor, MI 48105  
Phone: 734 214-4405  
Email: [sherwood.todd@epamail.epa.gov](mailto:sherwood.todd@epamail.epa.gov)Holly Pugliese, Environmental Protection Agency, Air and Radiation, AAPTIG, Ann Arbor, MI 48105  
Phone: 734 214-4288  
Email: [pugliese.holly@epamail.epa.gov](mailto:pugliese.holly@epamail.epa.gov)**RIN:** 2060-AL92**2794. ALTERNATIVE WORK PRACTICE FOR LEAK DETECTION AND REPAIR****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411**CFR Citation:** 40 CFR 60; 40 CFR 61; 40 CFR 63; 40 CFR 65**Legal Deadline:** Other, Statutory, March 31, 2007, Thompson Report commitment date for proposal and March, 2007 for promulgation.**Abstract:** This rule would amend existing regulations controlling emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAP) under the Clean Air Act. These regulations are codified at 40 CFR part 60, 61, 63, and 65. These regulations require periodic leak detection and repair (LDAR) of pumps, valves, and connectors. The current work practice requires each pump, valve, and connector to be individually monitored for leaks. Facilities have had LDAR programs in place for over 20 years and view them as burdensome because they are labor intensive. Newer image-based monitoring technology is being developed that will detect leaks at a reduced cost because of the ability to monitor multiple components at one time. This rule would amend the existing regulations to enable the plant operators to use the new technology.**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| NPRM   | 04/06/06 | 71 FR 17401 |

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4830;**Agency Contact:** David Markwordt, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27711  
Phone: 919 541-0837  
Fax: 919 541-0246  
Email: [markwordt.david@epamail.epa.gov](mailto:markwordt.david@epamail.epa.gov)KC Hustvedt, Environmental Protection Agency, Air and Radiation, C143-01, Research Triangle Park, NC 27711  
Phone: 919 541-5395  
Fax: 919 541-0246  
Email: [hustvedt.ken@epamail.epa.gov](mailto:hustvedt.ken@epamail.epa.gov)**RIN:** 2060-AL98**2795. NESHAP AND NSPS FOR MUNICIPAL SOLID WASTE LANDFILLS—AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7601**CFR Citation:** 40 CFR 63.1960; 40 CFR 63.1975; 40 CFR 63.1980**Legal Deadline:** None**Abstract:** This action will address issues concerning the National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills that was published on January 16, 2003. We will revise the startup, shutdown, and malfunction provisions promulgated in the rule in response to requests for more flexibility. We will clarify that the moisture balance calculations should be calculated on a wet weight basis as a response to requests about the intent of the promulgated rule. We will correct errors in the compliance dates for the rule.

Another aspect of this action will amend the existing regulation entitled Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills, subpart WWW of 40 CFR part 60, promulgated on March 12, 1996. The amendment is being undertaken in response to requests to

clarify our intent regarding what constitutes an adequate landfill gas treatment system. This action also clarifies our intent to exempt from control landfill gas that is treated/upgraded. Furthermore, it clarifies who is responsible for control of untreated landfill gas that is sold. This action is necessary to clarify our intent regarding the issues discussed above. It will improve implementation and compliance with this regulation.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 09/08/06 | 71 FR 53272 |
| Final Action | 01/00/08 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, Tribal**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.**Additional Information:** SAN No. 4846; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-08/a7493.htm>; NPRM was published 09/08/2006 (71 FR 53272) as RIN 2060-AJ41.**Agency Contact:** Karen Rackley, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27709  
Phone: 919 541-0634  
Email: [rackley.karen@epamail.epa.gov](mailto:rackley.karen@epamail.epa.gov)Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711  
Phone: 919 541-5395  
Fax: 919 541-0246  
Email: [hustvedt.ken@epa.gov](mailto:hustvedt.ken@epa.gov)**Related RIN:** Previously reported as 2060-AH13, Previously reported as 2060-AJ41**RIN:** 2060-AM08**2796. PROTECTION OF STRATOSPHERIC OZONE: AMENDMENTS TO THE SECTION 608 LEAK REPAIR REGULATIONS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 7401 to 7671q**CFR Citation:** 40 CFR 82, subpart F

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4856;

**URL For More Information:**

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

**Agency Contact:** Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9870

Fax: 202 565-2155

Email: [banks.julius@epamail.epa.gov](mailto:banks.julius@epamail.epa.gov)

Nancy Smagin, Environmental Protection Agency, Air and Radiation, 6205-J, Washington, DC 20460

Phone: 202 343-9126

Fax: 202 343-2337

Email: [smagin.nancy@epamail.epa.gov](mailto:smagin.nancy@epamail.epa.gov)

**RIN:** 2060-AM09

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

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

**Abstract:** On November 6, 2006, the Agency proposed two options to address the Clean Air Act requirements for hospital sterilizers. One option requires no action and the other action requires implementation of a work practice. The Clean Air Act requires that EPA list area source categories that contribute to the emissions of 30 listed urban HAPs, and that are, or will be, subject to standards under section 112 of the Act. Sterilization processes use ethylene oxide, which is one of the 30 listed HAPs. Hospital sterilization, a listed area source category, is a major contributor of ethylene oxide emissions in urban areas.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

**Agency Contact:** David Markwordt, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27711

Phone: 919 541-0837

Fax: 919 541-0246

Email:

[markwordt.david@epamail.epa.gov](mailto:markwordt.david@epamail.epa.gov)

KC Hustvedt, Environmental Protection Agency, Air and Radiation, C143-01, Research Triangle Park, NC 27711

Phone: 919 541-5395

Fax: 919 541-0246

Email: [hustvedt.ken@epamail.epa.gov](mailto:hustvedt.ken@epamail.epa.gov)

**RIN:** 2060-AM14

**2798. CONTROL OF EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES AND EQUIPMENT**

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

**Legal Authority:** 42 USC 7521-7601(a)

**CFR Citation:** 40 CFR 90

**Legal Deadline:** NPRM, Statutory, December 1, 2004.

Final, Statutory, December 31, 2005.

**Abstract:** In this action, we are proposing exhaust emission standards for spark-ignition marine engines and small land-based engines (<19 kW). We are also proposing evaporative emission standards for vessels and equipment using these engines. Nationwide, these emission sources contribute to ozone, carbon monoxide (CO), and particulate matter (PM) nonattainment. These pollutants cause a range of adverse health effects, especially in terms of respiratory impairment and related illnesses. The proposed standards would help States achieve and maintain air quality standards. In addition, these standards would help reduce acute exposure to CO, air toxics, and PM.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/07 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4882

**Agency Contact:** Glenn Passavant, Environmental Protection Agency, Air and Radiation, OAR/OTAQ/ASD, Ann Arbor, MI 48105

Phone: 734 214-4408

Fax: 734 214-4050

Email:

[passavant.glenn@epamail.epa.gov](mailto:passavant.glenn@epamail.epa.gov)

**RIN:** 2060-AM34

**2799. PROTECTION OF STRATOSPHERIC OZONE: IMPORT PETITIONING REQUIREMENTS FOR HALON-1301 AIRCRAFT FIRE EXTINGUISHING VESSELS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

## EPA—Clean Air Act (CAA)

## Final Rule Stage

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

**Timetable:**

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

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

**Additional Information:** SAN No. 4900; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/April/Day-11/a3462.htm>; EPA Docket information: EPA-HQ-OAR-2005-0131

**URL For More Information:**

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

**Agency Contact:** Bella Maranion, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460  
 Phone: 202 343-9749  
 Fax: 202 343-2338  
 Email: [maranion.bella@epamail.epa.gov](mailto:maranion.bella@epamail.epa.gov)  
**RIN:** 2060-AM46

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4916;**URL For More Information:**

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

**Agency Contact:** Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460  
 Phone: 202 343-9870  
 Fax: 202 565-2155  
 Email: [banks.julius@epamail.epa.gov](mailto:banks.julius@epamail.epa.gov)

Nancy Smagin, Environmental Protection Agency, Air and Radiation, 6205-J, Washington, DC 20460  
 Phone: 202 343-9126  
 Fax: 202 343-2337  
 Email: [smagin.nancy@epamail.epa.gov](mailto:smagin.nancy@epamail.epa.gov)

**RIN:** 2060-AM49

**2801. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES IN THE MOTOR VEHICLE AIR CONDITIONING SECTOR UNDER THE SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP) PROGRAM**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671k**CFR Citation:** 40 CFR 82.180**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4918;

**Agency Contact:** Karen Thundiyl, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9464

Email: [thundiyl.karen@epamail.epa.gov](mailto:thundiyl.karen@epamail.epa.gov)

Jeff Cohen, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9005

Fax: 202 343-2337

Email: [cohen.jeff@epamail.epa.gov](mailto:cohen.jeff@epamail.epa.gov)

**RIN:** 2060-AM54

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**2802. PROTECTION OF STRATOSPHERIC OZONE: MODIFICATIONS TO THE TECHNICIAN CERTIFICATION REQUIREMENTS UNDER SECTION 608 OF THE CLEAN AIR ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4901;**Agency Contact:** Nancy Smagin, Environmental Protection Agency, Air and Radiation, 6205-J, Washington, DC 20460

Phone: 202 343-9126

Fax: 202 343-2337

Email: smagin.nancy@epamail.epa.gov

Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9870

Fax: 202 565-2155

Email: banks.julius@epamail.epa.gov

**RIN:** 2060-AM55**2803. NESHAP: GASOLINE DISTRIBUTION AREA SOURCE STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| NPRM                         | 11/09/06 | 71 FR 66064 |
| NPRM Comment Period End      | 01/08/07 |             |
| NPRM Comment Period Extended | 01/08/07 | 72 FR 726   |
| Final Action                 | 01/00/08 |             |

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

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

**Agency Contact:** Stephen Shedd, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711

Phone: 919 541-5397

Fax: 919 685-3195

Email: shedd.steve@epa.gov

**RIN:** 2060-AM74**2804. STANDARDS OF PERFORMANCE FOR STATIONARY SPARK IGNITED INTERNAL COMBUSTION ENGINES****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 111**CFR Citation:** 40 CFR 60

**Legal Deadline:** NPRM, Judicial, May 23, 2006, Consent Decree entered 7/15/2004 regarding NSPS forcompression-ignited stationary engines and NSPS for spark-ignited engines. Final, Judicial, December 20, 2007, Consent Decree entered 7/15/2004 regarding NSPS forcompression-ignited stationary engines and NSPS for spark-ignited engines.

**Abstract:** This project is to develop New Source Performance Standards (NSPS) for stationary reciprocating internal combustion spark-ignited engines. This includes two stroke lean burn (2SLB) engines, four stroke lean burn (4SLB) engines, and four stroke rich burn (4SRB) engines. These standards are being developed under section 111 of the CAA to require the application of the best system of emission reduction taking into account the cost of achieving emission reductions and environmental and energy impacts. The pollutants that will be addressed in this rulemaking are PM, NOx, SO2, and CO. The project is on a litigated schedule to propose by May 2006 and to promulgate by December 2007. Information gathering began in early April 2004 and will result in the development of regulatory packages to propose and promulgate an NSPS standard.

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 06/12/06 | 71 FR 33804 |
| Final Action | 12/00/07 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** SAN No. 4915; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-12/a4919.htm>;**Agency Contact:** Jaime Pagan, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711

Phone: 919 541-5340

Fax: 919 541-5450

Email: [pagan.jaime@epamail.epa.gov](mailto:pagan.jaime@epamail.epa.gov)

Robert Wayland, Environmental Protection Agency, Air and Radiation, D243-01, Research Triangle Park, NC 27711

Phone: 919 541-1045

Email:

[wayland.robertj@epamail.epa.gov](mailto:wayland.robertj@epamail.epa.gov)**RIN:** 2060-AM81**2805. COMPONENT DURABILITY PROCEDURES FOR NEW LIGHT DUTY VEHICLES, LIGHT DUTY TRUCKS, AND HEAVY DUTY VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7521**CFR Citation:** 40 CFR 86**Legal Deadline:** None

**Abstract:** On October 22, 2002, the United States Court of Appeals for the District of Columbia Circuit vacated durability provisions that automotive manufacturers used to demonstrate that the emissions of their vehicles would comply with emission standards for the useful lives of those vehicles. The Court also required EPA to issue new regulations. This action fulfills the mandate. The new durability regulations will include options that a manufacturer may choose from to age pre-production vehicles to determine the rate of emission deterioration over the vehicle's useful life. The options will include a prescribed fixed driving cycle and a prescribed bench aging cycle that are used to age prototype vehicles or emission control components to the equivalent of the

useful life period of the vehicle in a manner that replicates the aging that the vehicle or components would see in actual use. This rule does not change the Federal emissions standards or the test procedures used to quantify emissions. Although there is no court-ordered deadline, this is a court-ordered action. During the comment period of the NPRM the Agency received a comment from the Afton Chemical Corporation (formally known as Ethyl Corporation) suggesting that EPA did not address the component durability portion of the new vehicle emissions certification process and should establish a procedure for rulemaking requesting comment on whether our current component durability process is appropriate or if we should revise the process to include a limited amount of testing.

**Timetable:**

| Action              | Date     | FR Cite    |
|---------------------|----------|------------|
| Supplemental 2 NPRM | 01/17/06 | 71 FR 2843 |
| Final Action        | 08/00/07 |            |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4757.1; EPA publication information: Supplemental 2 NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/January/Day-17/a073.htm>; Split from RIN 2060-AK76.**Agency Contact:** Linda Hormes, Environmental Protection Agency, Air and Radiation, AAPTIG, Ann Arbor, MI 48105

Phone: 734 214-4502

Email: [hormes.linda@epamail.epa.gov](mailto:hormes.linda@epamail.epa.gov)**RIN:** 2060-AN01**2806. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SURFACE COATING OF AUTOMOBILES AND LIGHT-DUTY TRUCKS; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 63 subpart IIII**Legal Deadline:** None

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

light-duty trucks. The first amendment will add an option to include the coating of heavier vehicles under the automobile and light-duty truck rule. The second amendment will clarify the interaction between this rule and the NESHAP for surface coating of plastic parts and products. The second amendment also will improve the rule by clarifying specific provisions and correcting errors in the original printing of the final rule and announce the availability of a revised version of the Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations. The original final rule was published in the Federal Register on April 26, 2004 (69 FR 22602). The rule affects the surface coating of automobile and light-duty truck bodies and body parts for use in new vehicles at facilities that are major sources of hazardous air pollutants.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 12/22/06 | 71 FR 76956 |
| NPRM Comment Period End | 01/22/07 |             |
| Direct Final Rule       | 12/22/06 | 71 FR 76922 |
| Direct Final Amendment  | 04/00/07 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4958; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-22/a21974.htm>;**Agency Contact:** Dave Salman, Environmental Protection Agency, Air and Radiation, C539-03, Research Triangle Park, NC 27711  
Phone: 919 541-0859  
Fax: 919 541-5689  
Email: [salman.dave@epamail.epa.gov](mailto:salman.dave@epamail.epa.gov)KC Hustvedt, Environmental Protection Agency, Air and Radiation, C143-01, Research Triangle Park, NC 27711  
Phone: 919 541-5395  
Fax: 919 541-0246  
Email: [hustvedt.ken@epamail.epa.gov](mailto:hustvedt.ken@epamail.epa.gov)**RIN:** 2060-AN10

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**2807. REVISIONS TO THE CONTINUOUS EMISSIONS MONITORING RULE FOR THE ACID RAIN PROGRAM AND THE NOX BUDGET TRADING PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 75 (Revision)**Legal Deadline:** None

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

**Timetable:**

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

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

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

**Agency Contact:** Matthew Boze, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460  
Phone: 202 343-9211  
Fax: 202 343-9211  
Email: boze.matthew@epamail.epa.gov

Beth Murray, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460  
Phone: 202 343-9211  
Fax: 202 343-9211  
Email: murray.beth@epamail.epa.gov

**RIN:** 2060-AN16**2808. REVISIONS TO AIR EMISSIONS REPORTING REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 51, subpart A**Legal Deadline:** None

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

**Timetable:**

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

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

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

**Agency Contact:** Dennis Beauregard, Environmental Protection Agency, Air and Radiation, C339-02, Research Triangle Park, NC 27709  
Phone: 919 541-5512  
Fax: 919 541-0684  
Email: beauregard.dennis@epa.gov

Doug Solomon, Environmental Protection Agency, Air and Radiation, C339-02, Research Triangle Park, NC 27709  
Phone: 919 541-4132  
Fax: 919 541-0684  
Email: solomon.dougl@epa.gov

**RIN:** 2060-AN20**2809. PROTECTION OF STRATOSPHERIC OZONE: REVISION TO LISTING OF CARBON DIOXIDE TOTAL FLOODING FIRE EXTINGUISHING SYSTEMS RESTRICTING USE TO ONLY UNOCCUPIED AREAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

**Abstract:** Section 612 of the Clean Air Act requires EPA to identify alternatives to Class I and II ozone-depleting substances and to publish lists of acceptable and unacceptable substitutes. Producers of substitutes must notify EPA at least 90 days before alternatives are introduced into interstate commerce. Substitutes which are deemed by EPA to be unacceptable or acceptable subject to use restrictions must go through notice and comment rulemaking. Substitute lists are updated intermittently depending on the volume of notifications. Independent of any

## EPA—Clean Air Act (CAA)

## Final Rule Stage

petitions or notifications received, EPA may also initiate updates to the substitute lists based on new data on either additional substitutes or on characteristics of substitutes previously reviewed. Based on new information on the continued and growing use of carbon dioxide total flooding fire extinguishing systems, EPA is revising its listing of carbon dioxide as an acceptable total flooding substitute for ozone-depleting halons to acceptable subject to narrowed use limits. Use would be limited to unoccupied areas where personnel could not be exposed to lethal concentration of the agent. Recent changes to national fire protection industry standards reflect need to improve personnel safety requirements for carbon dioxide systems by limiting its applications. Carbon dioxide total flooding fire extinguishing systems are used in some industrial applications such as automobile paint rooms and in marine applications such as machinery spaces. Restricted use limits on carbon dioxide total flooding systems supports the use of substitutes that are not potentially lethal to personnel that could be exposed.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4991;

**Agency Contact:** Bella Maranion, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460  
 Phone: 202 343-9749  
 Fax: 202 343-2338  
 Email: maranion.bella@epamail.epa.gov

Jeff Cohen, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460  
 Phone: 202 343-9005  
 Fax: 202 343-2337  
 Email: cohen.jeff@epamail.epa.gov

**RIN:** 2060-AN30**2810. OPTIONAL CHASSIS CERTIFICATION FOR DIESEL VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601(a)**CFR Citation:** 40 CFR 86.1863-07**Legal Deadline:** None

**Abstract:** Prior to the heavy-duty 2007 rulemaking (HD 2007), we have required that crankcase emissions be controlled only on naturally aspirated diesel engines. We made an exception for turbocharged heavy-duty diesel engines in the past because of concerns regarding fouling that could occur from diesel PM and engine oil, which are included in the crankcase emissions, when routing the crankcase blow-by into the turbocharger and aftercooler. However, this was an environmentally significant exception since most heavy-duty diesel trucks use turbocharged engines, and a single engine can emit over 100 pounds of NO<sub>x</sub>, NMHC, and PM from the crankcase over its lifetime. Therefore, given the availability of technologies to control crankcase emissions and the significant environmental benefit from eliminating those emissions, we are proposing new requirements for crankcase emissions in the HD 2007 rulemaking. Those provisions require that heavy-duty diesel engines either close the crankcase or account for any crankcase emissions within the total compliance limits of the tailpipe emissions standard. This requirement had the unintended consequence of confusing which crankcase provisions should apply to these heavy-duty diesel engines, those of subpart S or the newly defined diesel provisions of 40 CFR section 86.007-11. It was our intention that these vehicles meet the newly defined requirements of closed crankcase provisions just as other heavy-duty diesel engines must. Therefore, we are finalizing a change to the HD 2007 that explicitly defines the crankcase provisions applicable for heavy-duty chassis certified diesel engines under 14,000 pounds as those provisions defined under 40 CFR section 86.007-11. There are no environmental impacts. This represents a cost savings to the manufacturers of highway heavy-duty diesel engines.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4993;

**Agency Contact:** Zuimdie Guerra, Environmental Protection Agency, Air and Radiation, ASD, Ann Arbor, MI 48105  
 Phone: 734 214-4387  
 Fax: 734 214-4816  
 Email: guerra.zuimdie@epa.gov

Cleophas Jackson, Environmental Protection Agency, Air and Radiation, CISD, Ann Arbor, MI 48105  
 Phone: 734 214-4824  
 Fax: 734 214-4816  
 Email: jackson.cleophas@epa.gov

**RIN:** 2060-AN39**2811. FEDERAL PLAN REQUIREMENTS FOR OTHER SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE DECEMBER 9, 2004****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA sec 129 and 111(d)**CFR Citation:** 40 CFR 62 (New)**Legal Deadline:** Other, Statutory, December 16, 2007, See the legal deadline information in the additional information below.

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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Timetable:**

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

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

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

**Agency Contact:** Martha Smith, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711  
Phone: 919 541-2421  
Fax: 919 541-0234  
Email: [smith.martha@epa.gov](mailto:smith.martha@epa.gov)

Robin Dunkins, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711  
Phone: 919 541-5335  
Email: [dunkins.robin@epa.gov](mailto:dunkins.robin@epa.gov)

**RIN:** 2060-AN43**2812. NESHAP: AREA SOURCE STANDARDS—RECIPROCATING INTERNAL COMBUSTION ENGINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401**CFR Citation:** 40 CFR 63

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

**Abstract:** We are under a consent decree to propose area-source emission standards for hazardous air pollutants (HAP) from stationary reciprocating internal combustion engines. This action will propose standards for

stationary engines smaller than 500 horsepower located at major sources of HAP. In addition we intend to propose standards for stationary engines of all sizes located at area sources of HAP.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 06/12/06 | 71 FR 33804 |
| Final Action | 12/00/07 |             |

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

**Additional Information:** SAN No. 5014; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-12/a4919.htm>;

**Agency Contact:** Jaime Pagan, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711  
Phone: 919 541-5340  
Fax: 919 541-5450  
Email: [pagan.jaime@epamail.epa.gov](mailto:pagan.jaime@epamail.epa.gov)

Robert J. Wayland, Environmental Protection Agency, Air and Radiation, D243-01, Research Triangle Park, NC 27711  
Phone: 919 541-1045  
Fax: 919 541-5450  
Email: [wayland.robertj@epamail.epa.gov](mailto:wayland.robertj@epamail.epa.gov)

**RIN:** 2060-AN62**2813. REQUIREMENTS FOR REFORMULATED GASOLINE (RFG) UNDER THE 8-HOUR OZONE STANDARD FOR BUMP-UP AREAS DESIGNATED ATTAINMENT FOR THE 1-HOUR OZONE STANDARD PRIOR TO REVOCATION****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 80**Legal Deadline:** None

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

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

**Timetable:**

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

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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

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

**Agency Contact:** Kurt Gustafson, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW., Washington, DC 20460  
Phone: 202 343-9219  
Email: [gustafson.kurt@epamail.epa.gov](mailto:gustafson.kurt@epamail.epa.gov)

Leila Cook, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105  
Phone: 734 214-4820  
Email: [cook.leila@epamail.epa.gov](mailto:cook.leila@epamail.epa.gov)

**RIN:** 2060-AN63

#### 2814. NEW SOURCE PERFORMANCE STANDARDS (NSPS): EQUIPMENT LEAKS-SUBPARTS VV AND GGG

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 60

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

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

**Abstract:** Section 111(b)(1)(B) of the Clean Air Act requires EPA to review new source performance standards at least every 8 years. Under this project, EPA will review and, if appropriate, revise the new source performance standards for equipment leaks (subparts VV and GGG in part 60). Equipment leaks are defined as leaks from valves, pumps, compressors, sampling connections, open-ended lines, and pressure relief valves at SO2MI sources (subpart VV) and oil refineries (subpart GGG). EPA will determine if actual emission reductions currently being achieved due to other programs are greater than the requirements in the current NSPS standards, and whether the current NSPS standards should be revised.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 5035;

**Agency Contact:** Karen Rackley, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27709  
Phone: 919 541-0634  
Email: [rackley.karen@epamail.epa.gov](mailto:rackley.karen@epamail.epa.gov)

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711

Phone: 919 541-5395

Fax: 919 541-0246

Email: [hustvedt.ken@epa.gov](mailto:hustvedt.ken@epa.gov)

**RIN:** 2060-AN71

#### 2815. DEFECT REPORTING FOR ON-HIGHWAY MOTOR VEHICLES AND ENGINES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Christine Mikolajczyk, Environmental Protection

Agency, Air and Radiation, AAPTIG, Ann Arbor, MI 48105  
Phone: 734 214-4403  
Email: [mikolajczyk.christine@epamail.epa.gov](mailto:mikolajczyk.christine@epamail.epa.gov)

Lynn Sohacki, Environmental Protection Agency, Air and Radiation, AALDVG, Ann Arbor, MI 48105  
Phone: 734 214-4851  
Email: [sohacki.lynn@epamail.epa.gov](mailto:sohacki.lynn@epamail.epa.gov)

**RIN:** 2060-AN73

#### 2816. RENEWABLE FUELS STANDARD RULE

**Priority:** Other Significant

**Legal Authority:** PL 109-58

**CFR Citation:** 40 CFR 80.1101

**Legal Deadline:** Final, Statutory, August 6, 2006, The Energy Policy Act of 2005 requires that EPA promulgate RFS regulations.

**Abstract:** The Energy Policy Act of 2005 (the "Act"), signed into law on August 8, 2005, requires EPA to promulgate regulations implementing the Renewable Fuels Standard (RFS) within one year of enactment. The RFS requires specific volumes of renewable fuel to be in gasoline sold in the U.S. starting with 4.0 billion gal per yr in 2006 up to 7.5 billion gal per yr in 2012. The Act provides that if EPA fails to promulgate regulations within one year, then a default value of 2.78 percent renewable fuel in gasoline will be in effect for 2006. We recently promulgated a rule ("Renewable Fuel Standards Requirements for 2006," 70 FR 77325, 12/30/05) to implement the default standard. The Agency must complete its obligation under the Act by promulgating a rule that implements the RFS for years 2007 and beyond. Such a rule must establish how the renewable fuel standard is defined and calculated, what parties are liable, and how compliance with the standard is to be determined. In addition, the rule must establish a system by which renewable fuel credits can be generated and traded/sold between parties. This statutory provision is subject to multiple interpretations of key terms. The "Renewable Fuel Standard Requirements for 2006" that we promulgated on December 30, 2005 interprets the default provision so that it can be implemented with certainty in the event EPA fails to promulgate the RFS within 1 year of enactment. It provides for refiners, importers, and

## EPA—Clean Air Act (CAA)

## Final Rule Stage

blenders to meet the 2.78 percent requirement collectively, rather than on an individual basis. Since our projections show that this value is highly likely to be met in 2006 under planned practices of the refining industry, we do not anticipate any impacts on the industry in general, nor any on small businesses. It will have no effect on State, local or tribal governments.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Barry Garelick, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20005

Phone: 202 343-9028

Fax: 202 343-2802

Email: [garelick.barry@epa.gov](mailto:garelick.barry@epa.gov)

David Korotney, Environmental Protection Agency, Air and Radiation, Ann Arbor, MI 48104  
Phone: 734 214-4507  
Fax: 734 214-4050

Email: [korotney.david@epamail.epa.gov](mailto:korotney.david@epamail.epa.gov);

**RIN:** 2060-AN76

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

**Priority:** Other Significant

**Legal Authority:** Clean Air Act

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

**Legal Deadline:** Other, Statutory, February 28, 2006, DA committed a 2/28/06 signature on NPRM to Senator Thune.

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

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/09/06 | 71 FR 12240 |
| Final Action | 04/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5049; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/March/Day-09/a2148.htm>;

**Agency Contact:** Joanna Swanson, Environmental Protection Agency, Air and Radiation, C304-04, Research Triangle Park, NC 27711  
Phone: 919 541-5282  
Fax: 919 541-5509

Juan Santiago, Environmental Protection Agency, Air and Radiation, C304-04, Research Triangle Park, NC 27711

Phone: 919 541-1084

Fax: 919 541-5509

**RIN:** 2060-AN77

**2818. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SEMICONDUCTOR MANUFACTURING: AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA title III

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** John Schaefer, Environmental Protection Agency, Air and Radiation, C504-04, Research Triangle Park, NC 27711

Phone: 919 541-0296

Fax: 919 541-1039

Email: [schaefer.john@epa.gov](mailto:schaefer.john@epa.gov)

Bob Schell, Environmental Protection Agency, Air and Radiation, C504-04, Research Triangle Park, NC 27711

Phone: 919 541-4116

Fax: 919 541-1039

Email: [schell.bob@epa.gov](mailto:schell.bob@epa.gov)

**RIN:** 2060-AN80

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 11/03/06 | 71 FR 64670 |
| NPRM Comment Period End | 12/04/06 |             |
| Final Action            | 04/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**URL For More Information:**

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

**Agency Contact:** Kirsten Cappel, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9556

Fax: 202 343-2338

Email: [cappel.kirsten@epamail.epa.gov](mailto:cappel.kirsten@epamail.epa.gov)

Ross Brennan, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9226

Fax: 202 565-2155

Email: [brennan.ross@epamail.epa.gov](mailto:brennan.ross@epamail.epa.gov)

**RIN:** 2060-AN81

**2820. TRANSPORTATION CONFORMITY RULE AMENDMENTS TO IMPLEMENT PROVISIONS CONTAINED IN THE 2005 TRANSPORTATION BILL (SAFETEA-LU)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7506

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Rudolph Kapichak, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105

Phone: 734 214-4574

Fax: 734 214-4052

Email:

[kapichak.rudolph@epamail.epa.gov](mailto:kapichak.rudolph@epamail.epa.gov)

Laura Berry, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105

Phone: 734 214-4858

Fax: 734 214-4052

Email: [berry.laura@epamail.epa.gov](mailto:berry.laura@epamail.epa.gov)

**RIN:** 2060-AN82

**2821. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: REVISIONS TO INITIAL PERFORMANCE TEST PROVISIONS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

circumstances beyond the control of the source owner or operator, we believe that a more reasonable approach is to provide an opportunity to such owners and operators to make good faith demonstrations and obtain extensions of the performance testing deadline in appropriate circumstances.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Lula Melton, Environmental Protection Agency, Air and Radiation, C304-02, Research Triangle Park, NC 20460

Phone: 919 541-2910

Fax: 919 541-1039

Email: melton.lula@epa.gov

**RIN:** 2060-AN84

### 2822. FINAL RULE FOR IMPLEMENTATION OF THE NEW SOURCE REVIEW (NSR) PROGRAM FOR PM2.5

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** In 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM2.5). EPA designations of 39 nonattainment areas for the PM2.5 standards became effective on April 5, 2005. The Clean Air Fine Particle Implementation Rule, which was proposed in the Federal Register on November 1, 2005, includes requirements and guidance for State and local air pollution agencies to follow in developing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 standards. The proposed rule also included the New Source Review (NSR) provisions for implementing the PM2.5 program. In this final action, we have split the NSR provisions of the

proposed rule as a separate package. This rule will address the applicability of NSR to precursors, Major Source Threshold and Significant Emissions Rate for PM2.5, preconstruction monitoring requirements, offset provisions and interpollutant trading of offsets, and finally the transition provisions.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Raj Rao, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27709

Phone: 919 541-5344

Fax: 919 541-5509

Email: rao.raj@epa.gov

Dan Deroeck, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27709

Phone: 919 541-5593

Fax: 919-685-3009

Email: deroeck.dan@epamail.epa.gov

**RIN:** 2060-AN86

### 2823. PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** This action amends prior action by the Agency related to the transition of article 5 countries to ozone-depleting substance alternatives. Currently, article 5 allowances are determined as a percentage of total production allowances assigned to U.S. companies for class I ozone-depleting substances. In accordance with the Beijing Amendments of the Montreal Protocol, this action revises established article 5 allowances independently of total production allowances based on new data.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 08/23/06 | 71 FR 49395 |
| Final Action | 11/00/07 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**URL For More Information:**

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

**Agency Contact:** Cindy Newberg, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9729

Fax: 202 343-2337

Email: newberg.cindy@epamail.epa.gov

Ross Brennan, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9226

Fax: 202 565-2155

Email: brennan.ross@epamail.epa.gov

**RIN:** 2060-AN87

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

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21

**Legal Deadline:** None

**Abstract:** The purpose of this rulemaking is to remove regulatory language from our NSR rules that was vacated by the court after promulgation. Specific elements addressed by this rulemaking are the: (1) Clean Unit applicability test and (2) exemption for Pollution Control Projects (PCP).

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5077;

**Agency Contact:** David Painter, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-5515  
Fax: 919 541-5509  
Email: painter.david@epamail.epa.gov

Dave Svendsgaard, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-2380  
Fax: 919 541-5509  
Email: svendsgaard.dave@epa.gov

**RIN:** 2060-AN92

### 2825. REGULATION OF FUELS AND FUEL ADDITIVES: UPDATED VOLATILITY STANDARD FOR ALASKA ONLY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA 211

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

**Abstract:** This rule would revise EPA's gasoline-engine emission regulations to allow the use of the latest version of ASTM technical standards for Alaska. Gasoline-powered engines in Alaska face special challenges. Extremely cold winter temperatures increase the risk that engines using typical gasoline blends will suffer from difficulty in cold starting. To address these unique circumstances, the new ASTM 4814-04 standards for gasoline include special subclasses for gasoline used in extremely cold conditions. The new parameters enhance vehicle cold start and warm-up performance by allowing slightly different volatility characteristics for gasoline. Current EPA regulations allow only the use of the older 1988 version of the ASTM gasoline standards, which do not address Alaska's cold climate. This rulemaking is intended to adopt new specifications by changing the "Substantially Similar" definition to include the new standards in ASTM 4814-04 for Alaska only. This action is supported by automobile manufacturers and Alaska refiners.

**Timetable:**

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

### Regulatory Flexibility Analysis Required:

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5080;

**Agency Contact:** Jamie Dong, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460  
Phone: 202 343-9672  
Email: jamie.dong@epamail.epa.gov

Dave Kortum, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460  
Phone: 202 343-9022  
Email: kortum.dave@epamail.epa.gov

**RIN:** 2060-AN94

### 2826. RECONSIDERATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR ELECTRIC UTILITY, INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL STEAM GENERATING UNITS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA 111

**CFR Citation:** 40 CFR 60

**Legal Deadline:** Final, Judicial, April 13, 2007, Court deadline for final amendments.

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

**Timetable:**

| Action                         | Date     | FR Cite    |
|--------------------------------|----------|------------|
| NPRM                           | 02/09/07 | 72 FR 6320 |
| NPRM Comment<br>Period End     | 03/12/07 |            |
| Extension of Comment<br>Period | 03/06/07 | 72 FR 9903 |
| Final Action                   | 04/00/07 |            |

### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Christian Fellner, Environmental Protection Agency, Air

and Radiation, D243-01, Research Triangle Park, NC 27711  
Phone: 919 541-4003  
Fax: 919 541-5450  
Email: fellner.christian@epa.gov

Bill Maxwell, Environmental Protection Agency, Air and Radiation, D243-01, Research Triangle Park, SC 27711  
Phone: 919 541-5430  
Fax: 919 541-5450  
Email: maxwell.bill@epa.gov

**RIN:** 2060-AN97

### 2827. CLEAN AIR MERCURY RULE: FEDERAL PLAN

**Priority:** Other Significant

**Legal Authority:** CAA sec 111

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 12/22/06 | 71 FR 77100 |
| NPRM Comment<br>Period End | 02/20/07 |             |
| Final Action               | 09/00/07 |             |

### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

## EPA—Clean Air Act (CAA)

## Final Rule Stage

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

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

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

**Agency Contact:** Kevin Culligan, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460  
Phone: 202 343-9172  
Email: [culligan.kevin@epamail.epa.gov](mailto:culligan.kevin@epamail.epa.gov)

Meg Victor, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460  
Phone: 202 343-9193  
Email: [victor.meg@epamail.epa.gov](mailto:victor.meg@epamail.epa.gov)

**RIN:** 2060-AN98

### 2828. PHASE 2 OF THE FINAL RULE TO IMPLEMENT THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD—NOTICE OF RECONSIDERATION

**Priority:** Other Significant

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

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

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

**Abstract:** In this notice, EPA would announce its decision to reconsider and take additional comment on three provisions in the final Phase 2, 8-hour ozone implementation rule: (1) The determination that electric generating units (EGUs) that comply with rules implementing the Clean Air Interstate Rule (CAIR) and are located in States where all required CAIR emissions reductions are achieved from EGUs meet the 8-hour ozone State implementation plan (SIP) requirement for application of reasonably available control technology (RACT) for nitrogen oxide (NO<sub>x</sub>) emissions; (2) a new source review (NSR) requirement allowing sources to use certain emission reductions as offsets under certain circumstances; and (3) an NSR provision addressing when requirements for the lowest achievable emission rate (LAER) and emission

offsets may be waived. These issues are also issues in a petition for judicial review; the court has granted EPA a stay of litigation on these three issues until December 15, 2006, so the reconsideration action must be completed by then.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** John Silvasi, Environmental Protection Agency, Air and Radiation, C539-01, Research Triangle Park, NC 27711  
Phone: 919 541-5666  
Email: [silvasi.john@epa.gov](mailto:silvasi.john@epa.gov)

Denise Gerth, Environmental Protection Agency, Air and Radiation, C539-01, Research Triangle Park, NC 27711  
Phone: 919 541-5550  
Fax: 919 541-0824  
Email: [gerth.denise@epa.gov](mailto:gerth.denise@epa.gov)

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

**RIN:** 2060-AO00

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

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

**Legal Deadline:** None

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

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

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**Agency Contact:** William Grimley, Environmental Protection Agency, Air and Radiation, E143-02, Research Triangle Park, NC 27711  
Phone: 919 541-1065  
Fax: 919 541-1039  
Email: [grimley.william@epamail.epa.gov](mailto:grimley.william@epamail.epa.gov)

Robin Segall, Environmental Protection Agency, Air and Radiation, E143-02, Research Triangle Park, NC 27711  
Phone: 919 541-0893

## EPA—Clean Air Act (CAA)

Final Rule Stage

Fax: 919 541-0516  
 Email: segall.robin@epamail.epa.gov  
 RIN: 2060-AO01

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

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Mohamed Serageldin, Environmental Protection Agency, Air and Radiation, C504-05, Research Triangle Park, NC 27711  
 Phone: 919 541-2379  
 Email: serageldin.mohamed@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, E143-03, Research Triangle Park, NC 27711

Phone: 919 541-5335  
 Email: dunkins.robin@epa.gov

**RIN:** 2060-AO03

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

**Priority:** Other Significant  
**Legal Authority:** 42 USC 7401 et seq  
**CFR Citation:** 40 CFR 50 (Revision); 40 CFR 53 (Revision); 40 CFR 58 (Revision)

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

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

**Agency Contact:** Lewis Weinstock, Environmental Protection Agency, Air and Radiation, D243-02, Research Triangle Park, NC 27711  
 Phone: 919 541-3661  
 Fax: 919 541-1903  
 Email: weinstock.lewis@epamail.epa.gov

Tim Hanley, Environmental Protection Agency, Air and Radiation, D243-02, Research Triangle Park, NC 27711  
 Phone: 919 541-4417  
 Fax: 919 541-1903  
 Email: hanley.tim@epamail.epa.gov

**RIN:** 2060-AO06

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

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**Agency Contact:** Foston Curtis, Environmental Protection Agency, Air and Radiation, MD-19, Research Triangle Park, NC 20460  
Phone: 919 541-1063  
Email: curtis.foston@epamail.epa.gov

**RIN:** 2060-AO09

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

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

**URL For More Information:**

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

**Agency Contact:** Margaret Sheppard, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9163

Fax: 202 343-2337

Email: sheppard.margaret@epa.gov

Monica Shimamura, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202 343-9337

Fax: 202 343-2338

Email:

shimamura.monica@epamail.epa.gov

**RIN:** 2060-AO10

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

**Priority:** Other Significant

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 94

**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Michael Samulski, Environmental Protection Agency, Air and Radiation, OAR/OTAQ/ASD, Ann Arbor, MI 48105

Phone: 734 214-4532

Fax: 734 214-4050

Email: samulski.michael@epa.gov

Jean-Marie Revelt, Environmental Protection Agency, Air and Radiation, OAR/OTAQ/ASD, Ann Arbor, MI 48105

Phone: 734 214-4822

Fax: 734 214-4816

Email: revelt.jean-marie@epa.gov

**RIN:** 2060-AO26

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

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

**Legal Deadline:** None

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

**Timetable:**

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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Regulatory Flexibility Analysis**

Required: No

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

Phone: 202 343-9707

Fax: 202 343-2304

Email: shroff.behram@epa.gov

Dan Schultheisz, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

Phone: 202 343-9349

Fax: 202 343-2304

Email: schultheisz.daniel@epa.gov

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

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

**Regulatory Flexibility Analysis**

Required: No

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

Phone: 202 343-9464

Email: thundiyil.karen@epa.gov

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

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

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5104;

EPA publication information: Direct Final Action -

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-27/a22162.htm>;**Agency Contact:** Kurt Gustafson, Environmental Protection Agency, Airand Radiation, 1200 Pennsylvania Avenue NW., Washington, DC 20460  
Phone: 202 343-9219  
Email: gustafson.kurt@epa.gov

Leila Cook, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105

Phone: 734 214-4820

Email: cook.leila@epa.gov

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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5124;

**Agency Contact:** Linda Hormes, Environmental Protection Agency, Air and Radiation, AAPTIG, Ann Arbor, MI 48105  
Phone: 734 214-4502  
Email: hormes.linda@epamail.epa.gov

David Good, Environmental Protection Agency, Air and Radiation, AAPTIG, Ann Arbor, MI 48105  
Phone: 734 214-4450  
Fax: 734 214-4053  
Email: good.david@epamail.epa.gov  
**RIN:** 2060-AO36

**2839. • NONROAD DIESEL TECHNICAL AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12866; EO 13132; EO 13175; EO 13045; EO 13211**CFR Citation:** 40 CFR 89; 40 CFR 1039**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5125;

**Agency Contact:** Zuimdie Guerra, Environmental Protection Agency, Air and Radiation, ASD, Ann Arbor, MI 48105  
Phone: 734 214-4387  
Fax: 734 214-4816  
Email: guerra.zuimdie@epa.gov

Cleophas Jackson, Environmental Protection Agency, Air and Radiation, CISD, Ann Arbor, MI 48105  
Phone: 734 214-4824  
Fax: 734 214-4816  
Email: jackson.cleophas@epa.gov  
**RIN:** 2060-AO37

**2840. • RECOMMENDED TEST METHODS FOR STATE IMPLEMENTATION PLANS (40 CFR PART 51, APPENDIX M), ADDITION OF METHOD 207, “PRE-SURVEY PROCEDURE FOR CORN WET-MILLING FACILITY EMISSION SOURCES”****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 51**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5140;

**Agency Contact:** Gary McAlister, Environmental Protection Agency, Air and Radiation, E143-02, Research Triangle Park, NC 27711  
Phone: 919 541-1062  
Fax: 919 541-0516  
Email: mcalister.gary@epa.gov

Candace Sorrell, Environmental Protection Agency, Air and Radiation, E143-02, Research Triangle Park, NC 27711  
Phone: 919 541-1064  
Fax: 919 541-0516  
Email: sorrell.candace@epa.gov  
**RIN:** 2060-AO39

**2841. • RESPONSE TO RECONSIDERATION REGARDING NESHAP STARTUP, SHUTDOWN, AND MALFUNCTION AMENDMENTS****Priority:** Info./Admin./Other**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5141;

**Agency Contact:** Rick Colyer, Environmental Protection Agency, Air and Radiation, D205-02, Research Triangle Park, NC 27711  
Phone: 919 541-5262  
Email: colyer.rick@epa.gov

Michael Regan, Environmental Protection Agency, Air and Radiation, D205-02, Research Triangle Park, NC 27711  
Phone: 919 541-5294  
Email: regan.michael@epa.gov  
**RIN:** 2060-AO40

**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)**
**Long-Term Actions**
**2842. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7); AVAILABILITY OF INFORMATION TO THE PUBLIC; TECHNICAL AMENDMENT**

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

**Legal Authority:** CAA 112(r)

**CFR Citation:** 40 CFR 68.210

**Legal Deadline:** None

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

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| Final Action | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4607;

**Agency Contact:** Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460  
Phone: 202 564-8019  
Fax: 202 564-2625  
Email: jacob.sicy@epa.gov

**RIN:** 2050-AE95

**2843. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7409

**CFR Citation:** 40 CFR 50

**Legal Deadline:** Final, Statutory, August 1, 1999.

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4266;

**Agency Contact:** Dave Mckee, Environmental Protection Agency, Air and Radiation, C504-06, Research Triangle Park, NC 27711  
Phone: 919 541-5288  
Fax: 919 541-0237  
Email: mckee.dave@epa.gov

Harvey Richmond, Environmental Protection Agency, Air and Radiation, C504-06, Research Triangle Park, NC 27711

Phone: 919 541-5271

Email: richmond.harvey@epa.gov

**RIN:** 2060-AI43

**2844. NESHAP: GROUP I POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS—AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** During the development of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for elastomers (Group I polymers and resins) and thermoplastics (Group IV polymers and resins) (RINs 2060-AD56 and 2060-AE37), many of the provisions contained in the Hazardous Organic NESHAP (HON) were referenced directly by these polymers and resins regulations due to similarities in processes, emission characteristics, and control technologies. On January 17, 1997, the EPA promulgated changes to the HON to remove ambiguity, to clearly convey EPA intent, and to make the rule easier to understand and implement in response to industry petitions. It is necessary to make parallel changes to the polymers and resins NESHAP; otherwise inconsistencies will exist for NESHAPs regulating similar source categories. An ANPRM was published in the Federal Register on November 25, 1996 (61 FR 59849), to explain the nature of changes planned. Subsequently, six litigants have petitioned for review of the elastomers and thermoplastics regulations. Four companies have petitioned EPA to reconsider specific provisions in the thermoplastics regulation. Revisions will be proposed to parallel HON changes and to resolve petitioners' issues.

**Timetable:**

| Action                           | Date     | FR Cite     |
|----------------------------------|----------|-------------|
| ANPRM                            | 11/25/96 | 61 FR 59849 |
| Direct Final—pet jud rev         | 03/09/99 | 64 FR 11536 |
| NPRM—pet jud rev                 | 03/09/99 | 64 FR 11555 |
| Direct Final—comp ext            | 05/07/99 | 64 FR 24511 |
| Direct Final—pet rec equip leaks | 06/08/99 | 64 FR 30406 |
| NPRM 2                           | 06/08/99 | 64 FR 30453 |
| NPRM 3                           | 06/08/99 | 64 FR 30456 |

## EPA—Clean Air Act (CAA)

## Long-Term Actions

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| Direct Final—stay notice | 06/30/99 | 64 FR 35023 |
| NPRM—stay notice         | 06/30/99 | 64 FR 35107 |
| Direct Final00           | 08/29/00 | 65 FR 52319 |
| NPRM00                   | 08/29/00 | 65 FR 52392 |
| Direct Final 4           | 10/26/00 | 65 FR 64161 |
| Final Action01           | 02/23/01 | 66 FR 11233 |
| Direct Final Comp.       | 02/26/01 | 66 FR 11543 |
| NPRM Compliance01        | 02/26/01 | 66 FR 1550  |
| Final 1                  | 07/16/01 | 66 FR 36924 |
| Final 2                  | 08/06/01 | 66 FR 40903 |
| NPRM                     | 12/00/08 |             |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3939; EPA publication information: ANPRM-Petitions for Jud. Rev-Dow, UCC, Exxon);**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing**Agency Contact:** David Markwordt, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27711

Phone: 919 541-0837

Fax: 919 541-0246

Email:

markwordt.david@epamail.epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27711

Phone: 919 541-5395

Fax: 919 541-0246

Email: hustvedt.ken@epa.gov

**RIN:** 2060-AH47**2845. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON-FEDERAL CLASS I AREAS****Priority:** Other Significant**Legal Authority:** 42 USC 7670 to 7479; CAA 160 to 169**CFR Citation:** 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None**Abstract:** Under the Clean Air Act's prevention of significant deterioration (PSD) program, a State or tribe may redesignate its lands as class I areas to provide enhanced protection for its air quality resources. This rule will clarify

the PSD permit review procedures for new and modified major stationary sources near these non-Federal class I areas. EPA seeks to develop clarifying PSD permit application procedures that are effective, efficient, and equitable.

**Timetable:**

| Action       | Date             | FR Cite     |
|--------------|------------------|-------------|
| ANPRM        | 05/16/97         | 62 FR 27158 |
| NPRM         | To Be Determined |             |
| Final Action | To Be Determined |             |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** State, Tribal**Additional Information:** SAN No. 3919;**Agency Contact:** Darrel Harmon, Environmental Protection Agency, Air and Radiation, 6101A, Washington, DC 20460

Phone: 202 564-7416

Fax: 202 501-1153

Email: harmon.darrel@epamail.epa.gov

**RIN:** 2060-AH01**2846. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY COMBUSTION TURBINES—PETITION TO DELIST****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None**Abstract:** The Agency has received a petition to remove the Gas Turbines source category from the list of hazardous air pollutant sources under section 112(c) of the Clean Air Act. The Agency must review the petition and either grant or deny the petition within 12 months of the date the complete petition is received. If the Agency grants the petition, a notice of proposed rulemaking will be published in the Federal Register, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the Federal Register providing an explanation of the denial.**Timetable:**

| Action            | Date     | FR Cite     |
|-------------------|----------|-------------|
| NPRM—Delisting    | 04/07/04 | 69 FR 18327 |
| NPRM—STAY         | 04/07/04 | 69 FR 18338 |
| Final Action—STAY | 08/18/04 | 69 FR 51184 |
| Final Action      | 06/00/08 |             |

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4751; EPA publication information: NPRM-STAY -<http://www.epa.gov/fedrgstr/EPA-AIR/2004/April/Day-07/a7775.htm>**Sectors Affected:** 3336 Engine, Turbine, and Power Transmission Equipment Manufacturing; 221112 Fossil Fuel Electric Power Generation**Agency Contact:** Kelly Rimer, Environmental Protection Agency, Air and Radiation, C404-01, Research Triangle Park, NC 27711

Phone: 919 541-2962

Fax: 919 541-1039

Email: rimer.kelly@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404-01, Research Triangle Park, NC 27711

Phone: 919 541-5368

Fax: 919 541-0840

Email: guinnup.dave@epamail.epa.gov

**RIN:** 2060-AK73**2847. PETITION TO DELIST HAZARDOUS AIR POLLUTANT: 4,4'-METHYLENE DIPHENYL DIISOCYANATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None**Abstract:** The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health problems. The law allows EPA to consider petitions to modify the list, by adding or removing substances. Individuals seeking to remove a substance must demonstrate that there are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment. The Agency received a petition to remove 4,4'-Methylene Diphenyl Diisocyanate (MDI) from the American Chemistry Council on December 26, 2002. Once EPA receives a petition, it conducts two

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| Notice of Complete Petition | 05/26/05 | 70 FR 30407 |
| NPRM                        | 08/00/08 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4782;

**Agency Contact:** Greg Nizich, Environmental Protection Agency, Air and Radiation, E143-01, Research Triangle Park, NC 27709  
Phone: 919 541-3078  
Email: nizich.greg@epamail.epa.gov

Scott Jenkins, Environmental Protection Agency, Air and Radiation, C445-01, Research Triangle Park, NC 27711  
Phone: 919 541-1167  
Email: jenkins.scott@epa.gov

**RIN:** 2060-AK84

**2848. SECTION 126 RULE WITHDRAWAL PROVISION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7426

**CFR Citation:** 40 CFR 52

**Legal Deadline:** None

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

**Timetable:**

| Action       | Date             | FR Cite     |
|--------------|------------------|-------------|
| NPRM         | 04/04/03         | 68 FR 16644 |
| Final Action | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4689; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/April/Day-04/a8152.htm>;

**Agency Contact:** Carla Oldham, Environmental Protection Agency, Air

and Radiation, C539-04, Research Triangle Park, NC 27711  
Phone: 919 541-3347  
Fax: 919 541-5489  
Email: oldham.carla@epamail.epa.gov

Doug Grano, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711  
Phone: 919 541-3292  
Email: grano.doug@epa.gov

**RIN:** 2060-AK41

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 85

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 2665;

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Agency Contact:** Bob Doyle, Environmental Protection Agency, Air and Radiation, 6405J, Washington, DC 20460  
Phone: 202 343-9258  
Email: doyle.robert@epa.gov  
**RIN:** 2060-AI03

**2850. NESHAP: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS (RECONSIDERATION OF THE PARTICULATE MATTER STANDARD)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412; 42 USC 7414

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

On March 23, 2006, EPA granted reconsideration of and requested comment on one issue raised in two of the petitions. The issue under reconsideration is the new source standard for particulate matter for cement kilns that burn hazardous wastes. In this final rule EPA plans to issue its final reconsideration determination of this emission standard. This final rule will be issued in conjunction with another rule related to the reconsideration proceedings (SAN 5047.1).

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

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

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

**Agency Contact:** Frank Behan, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460  
Phone: 703 308-8476  
Fax: 703 308-8433  
Email: behan.frank@epa.gov

**RIN:** 2050-AG29

**2851. NESHAP: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS (RESPONSE TO PETITIONS FOR RECONSIDERATION)**

**Priority:** Other Significant

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

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

**Legal Deadline:** Final, Judicial, April 16, 2007.

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

**Abstract:** EPA promulgated national emission standards for hazardous air pollutants for hazardous waste combustors on October 12, 2005. Following promulgation of the final rule, the EPA Administrator received four petitions for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act. Under this section of the Clean Air Act, the Administrator shall initiate reconsideration proceedings if the petitioner can show that it was impracticable to raise an objection to a rule within the public comment period or that the grounds for the objection arose after the public comment period. On September 6, 2006, EPA granted reconsideration of and requested comment on seven issues raised in the petitions. EPA also proposed several amendments and

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 5047.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-06/a7251.htm>; Split from RIN 2050-AG29; EPA Docket information: EPA-HQ-OAR-2004-0022

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

**Agency Contact:** Frank Behan, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460  
Phone: 703 308-8476  
Fax: 703 308-8433  
Email: behan.frank@epa.gov

**RIN:** 2050-AG35

**2852. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 to 7671 "CAA 176(c)"

**CFR Citation:** 40 CFR 51; 40 CFR 93

**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Long-Term Actions

emissions trading could be reconciled in the conformity process.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 3917;

**Agency Contact:** Angela Spickard, Environmental Protection Agency, Air and Radiation, NFEVL, Ann Arbor, MI 48105

Phone: 734 214-4238

Email: spickard.angela@epamail.epa.gov

**RIN:** 2060-AH31

### 2853. SECTION 126 RULE: WITHDRAWAL OF FINDINGS FOR SOURCES IN MICHIGAN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 52.34

**Legal Deadline:** None

**Abstract:** EPA coordinated the section 126 rule with another rule known as the NOx State implementation plan (SIP) Call, because both rules addresses ozone transport in the eastern half of the United States. EPA established a mechanism in the section 126 rule whereby the rule would be withdrawn for sources in a State if the State submitted, and EPA approved, a SIP that complied with the NOx SIP Call. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the section 126 rule and the NOx SIP Call have been delayed and the NOx SIP Call has been divided into two phases. Therefore, in a separate action, EPA proposed to revise the section 126 rule withdrawal provision so that it will continue to operate under these new circumstances. Under that proposal, where a State submits a NOx SIP that meets only Phase I of the NOx SIP Call, EPA would need to make a determination that the SIP controls the total group of section 126 sources to the same stringency as the section 126 rule would before the section 126 rule

could be withdrawn. In this current action, EPA is proposing that the Michigan Phase I SIP meets the proposed revised section 126 rule withdrawal criteria, and therefore, if EPA finalizes the withdrawal criteria as proposed, EPA would withdraw the section 126 rule for sources in Michigan.

**Timetable:**

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local

**Additional Information:** SAN No. 4796;

**Agency Contact:** Carla Oldham, Environmental Protection Agency, Air and Radiation, C539-04, Research Triangle Park, NC 27711

Phone: 919 541-3347

Fax: 919 541-5489

Email: oldham.carla@epamail.epa.gov

Doug Grano, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711

Phone: 919 541-3292

Email: grano.doug@epa.gov

**RIN:** 2060-AL83

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

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51.121

**Legal Deadline:** None

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

remanded the 8-hour ozone NAAQS. [American Trucking Associations, Inc. v. EPA, 175 F.3d 1027 on rehearing 195 F.3d 4 (DC Cir. 1999).] EPA stayed the 8-hour basis of the NOx SIP Call rule on September 18, 2000 (65 FR 56245) based on the uncertainty created by the DC Circuit's decision. EPA has now completed the actions necessary to address the aforementioned remand, and therefore is now conducting rulemaking to lift the stay. EPA is proposing to lift the stay of our findings in the NOx SIP Call contained in 40 CFR section 51.121(a)(2), related to the 8-hour ozone national ambient air quality standards (NAAQS). This action does not create any new requirements; it merely reinstates a requirement of the NOx SIP Call that had previously been stayed.

**Timetable:**

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Additional Information:** SAN No. 4797;

**Agency Contact:** Jan King, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711

Phone: 919 541-5665

Email: king.jan@epa.gov

Doug Grano, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711

Phone: 919 541-3292

Email: grano.doug@epa.gov

**RIN:** 2060-AL84

### 2855. PETITION TO DELIST A HAZARDOUS AIR POLLUTANT FROM SECTION 112 OF THE CLEAN AIR ACT: METHYL ISOBUTYL KETONE (MIBK)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The Ketones Panel of the American Chemistry Council (ACC) has petitioned the Agency to remove methyl isobutyl ketone (MIBK) from the Clean Air Act (CAA) hazardous air pollutant (HAP) list. The ACC

## EPA—Clean Air Act (CAA)

## Long-Term Actions

originally submitted the petition in April of 1997. EPA suspended review of the petition pending the completion of 2-generation reproductive effects study. That study is now complete. On October 17, 2003, the ACC submitted an addendum to the 1997 petition, which includes: The results of the 2-generation reproductive effects study; a presentation of the updated EPA IRIS file for MIBK, updated air dispersion modeling, and an analysis of potential transformation products. Based on this new submission, the ACC requested that EPA reopen its review of the MIBK petition. EPA did reopen its review of the petition. However, since the last submittal by the petitioner, a 2-year MIBK bioassay by the National Toxicology Program (NTP) has been completed. A draft report of this study was reviewed by the NTP Board of Scientific Counselors Technical Reports Review Subcommittee, which accepted unanimously the conclusions in the report that there is some evidence of carcinogenic activity of MIBK. EPA has notified the petitioner that further review of the petition will require that the petitioner submit information regarding the relevance of the NTP study and a risk characterization for the human risk of cancer from MIBK exposures, which would include the derivation of a cancer unit risk estimate. Given the significant time that will be necessary to prepare and submit this information, we are considering the MIBK petition review a long-term action.

**Timetable:**

| Action      | Date              | FR Cite                   |
|-------------|-------------------|---------------------------|
| Notice NPRM | 07/19/04<br>To Be | 69 FR 42954<br>Determined |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4849

**Agency Contact:** Mark Morris, Environmental Protection Agency, Air and Radiation, C404-01, Research Triangle Park, NC 27711  
Phone: 919 541-5416  
Email: morris.mark@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404-01, Research Triangle Park, NC 27711  
Phone: 919 541-5368

Fax: 919 541-0840  
Email: guinnup.dave@epamail.epa.gov  
RIN: 2060-AM20

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

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21

Legal Deadline: None

**Abstract:** This rulemaking is a follow up to SAN 4676, which is a final rule that specifies categories of equipment replacement activities that would qualify as "routine maintenance, repair, and replacement" (RMRR) under the Clean Air Act's New Source Review (NSR) Program (40 CFR parts 51 and 52). SAN 4676's final action—referred to as the "equipment replacement provision" (ERP)—was promulgated in the Federal Register on October 27, 2003 (68 FR 61248). The action summarized here, SAN 4676.3, when finalized, will establish a regulatory definition for maintenance and repair activities (that are not equipment replacements) that qualify for the RMRR Exclusion from Major NSR. We previously proposed options for this SAN in our RMRR proposal on December 31, 2002 (67 FR 80920). However, this action will propose and take comments on an additional approach.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

**Additional Information:** SAN No. 4676.3; EPA publication information: NPRM-Publication date is projected; Split from RIN 2060-AK28

**Agency Contact:** David Painter, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711

Phone: 919 541-5515  
Fax: 919 541-5509  
Email: painter.david@epamail.epa.gov

Dave Svendsgaard, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711

Phone: 919 541-2380  
Fax: 919 541-5509  
Email: svendsgaard.dave@epa.gov

RIN: 2060-AM62

**2857. REQUEST FOR COMMENTS ON POTENTIALLY INADEQUATE MONITORING IN CLEAN AIR APPLICABLE REQUIREMENTS AND ON METHODS TO IMPROVE SUCH MONITORING**

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Additional Information:** SAN No. 4699.1; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/February/Day-16/a2995.htm>;

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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

**Agency Contact:** Tom Driscoll, Environmental Protection Agency, Air and Radiation, D243-03, Research Triangle Park, NC 27711  
Phone: 919 541-5135  
Fax: 919 541-4028  
Email: [driscoll.tom@epa.gov](mailto:driscoll.tom@epa.gov)

Barrett Parker, Environmental Protection Agency, Air and Radiation, D243-05, Research Triangle Park, NC 27711  
Phone: 919 541-5365  
Fax: 919 541-1039  
Email: [parker.barrett@epa.gov](mailto:parker.barrett@epa.gov)

**RIN:** 2060-AM63

### 2858. NESHAP: TACONITE IRON ORE PROCESSING; AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

#### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/09 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

**Agency Contact:** Conrad Chin, Environmental Protection Agency, Air and Radiation, D243-02, Research Triangle Park, NC 27711  
Phone: 919 541-1512  
Email: [chin.conrad@epa.gov](mailto:chin.conrad@epa.gov)

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711

Phone: 919 541-2837  
Fax: 919 541-3207  
Email: [fruh.steve@epamail.epa.gov](mailto:fruh.steve@epamail.epa.gov)

**RIN:** 2060-AM87

### 2859. IMPLEMENTATION RULE FOR 8-HOUR OZONE NAAQS: RECONSIDERATION; OVERWHELMING TRANSPORT CLASSIFICATION

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

#### Timetable:

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/27/06 | 71 FR 15098 |
| Final Action | 08/00/08 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

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

**Agency Contact:** Denise Gerth, Environmental Protection Agency, Air and Radiation, C539-01, Research Triangle Park, NC 27711  
Phone: 919 541-5550  
Fax: 919 541-0824  
Email: [gerth.denise@epa.gov](mailto:gerth.denise@epa.gov)

John Silvasi, Environmental Protection Agency, Air and Radiation, C539-01, Research Triangle Park, NC 27711  
Phone: 919 541-5666  
Email: [silvasi.john@epa.gov](mailto:silvasi.john@epa.gov)

**RIN:** 2060-AN26

### 2860. NESHAP: ORGANIC LIQUID DISTRIBUTION (NON-GASOLINE); AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** Brenda Shine, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711  
Phone: 919 541-3608  
Email: [shine.brenda@epamail.epa.gov](mailto:shine.brenda@epamail.epa.gov)

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711

## EPA—Clean Air Act (CAA)

## Long-Term Actions

Phone: 919 541-5395  
 Fax: 919 541-0246  
 Email: hustvedt.ken@epa.gov  
 RIN: 2060-AN37

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

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

**Abstract:** This action is a Proposed Rulemaking (PRM) to discuss and take comment on approaches for calculating emission reductions from the national architectural and industrial maintenance (AIM) coating rule and other architectural rules. Review of the comments received could result in a rule or policy guidance on calculation methodology. Conference calls have been initiated in order that EPA proceed to move forward with drafting an NPRM due to interest from both States and the regulated community.

**Timetable:**

| Action                         | Date             | FR Cite     |
|--------------------------------|------------------|-------------|
| ANPRM                          | 08/31/05         | 70 FR 51694 |
| Comment Period Extended        | 10/13/05         | 70 FR 59680 |
| Second Comment Period Extended | 12/20/05         | 70 FR 75439 |
| NPRM                           | To Be Determined |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5009; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-31/a17357.htm>;

**Agency Contact:** Dave Sanders, Environmental Protection Agency, Air and Radiation, C539-01, Research Triangle Park, NC 27711  
 Phone: 919 541-3356  
 Fax: 919 541-0824  
 Email: sanders.dave@epamail.epa.gov

Marcia Spink, Environmental Protection Agency, Air and Radiation, 3AP20, Philadelphia, PA 19103-2029  
 Phone: 215 814-2104  
 Fax: 215 814-2124  
 Email: spink.marcia@epa.gov

**RIN:** 2060-AN42

**2862. RULE INTERPRETING THE SCOPE OF TITLE V OPERATING PERMIT MODIFICATIONS WHERE EPA HAS APPROVED ALTERNATIVE MONITORING AND TESTING PROVISIONS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Clean Air Act  
**CFR Citation:** 40 CFR 70; 40 CFR 71  
**Legal Deadline:** None

**Abstract:** The purpose of this rulemaking is to clarify the meaning of "significant permit modification" (in 40 CFR parts 70 and 71) as it pertains to an alternative emissions monitoring and testing request that has been approved by EPA, and to clarify how the approved request becomes incorporated into a title V operating permit. The EPA routinely receives requests from industry to approve alternative monitoring and testing provisions. The Code of Federal Regulations (CFR), under sections 60.8(b), 61.13(h), 63.7(f), 51.212(b)(2), 60.13(l), 61.14(g), and 63.8(f), authorizes EPA to approve an alternative monitoring or testing request, provided an adequate demonstration of equivalency with the required monitoring or testing has been made. EPA believes that the approved alternative monitoring or testing provisions should be incorporated into the title V operating permit quickly and without burden to the permitting authority or the source.

**Timetable:**

| Action            | Date     | FR Cite |
|-------------------|----------|---------|
| Direct Final Rule | 10/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5079;

**Agency Contact:** Tom Driscoll, Environmental Protection Agency, Air and Radiation, D243-03, Research Triangle Park, NC 27711  
 Phone: 919 541-5135  
 Fax: 919 541-4028  
 Email: driscoll.tom@epa.gov

Barrett Parker, Environmental Protection Agency, Air and Radiation, D243-05, Research Triangle Park, NC 27711  
 Phone: 919 541-5365

Fax: 919 541-1039  
 Email: parker.barrett@epa.gov  
 RIN: 2060-AN93

**2863. NESHAP: MERCURY CELL CHLOR-ALKALI PLANTS—AMENDMENTS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7412  
**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Section 112(c)(6) of the Clean Air Act requires us to list categories of sources for seven specific pollutants (including mercury) assuring that sources accounting for not less than 90 percent of the aggregate emissions of each pollutant are subject to standards pursuant to section 112(d)(2). Chlor-alkali plants are among the source categories listed to achieve the 90 percent goal for mercury. Currently, the source category includes nine plants in eight States engaged in the production of chlorine and caustic-using mercury cells. Together, these plants account for 45 percent of the nationwide mercury inventory for non-combustion sources. Periodically, mercury cell chlor-alkali plants must replace mercury in the cells. Since mercury is not consumed by the process, this mercury leaves the plant site in products, wastes, or through the air. However, mercury cell plants are not able to account for a considerable amount of the mercury that must be replaced. As cited in the preamble to the final rule, there were around 65 tons of mercury unaccounted for in 2000 (68 FR 70920). However, in 2005 only three tons of mercury were unaccounted for, from mercury cell plants. Since the amount of mercury in products, and wastes, and mercury emitted to the air through stacks are not well quantified, NRDC maintains that all this "missing" mercury is emitted via fugitive emissions from the cell rooms. NRDC submitted a petition for reconsideration requesting EPA to more accurately quantify the emissions of mercury from this industry. In response to NRDC's petition, the EPA is initiating a testing and monitoring study to evaluate and better characterize fugitive emissions from mercury cell chlor-alkali plants. The results of this study will improve EPA's ability to measure and predict mercury emissions from chlor-alkali plants.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5095;

**Agency Contact:** Donna Jones,  
Environmental Protection Agency, Air  
and Radiation, D243-02, Research  
Triangle Park, NC 27709  
Phone: 919 541-5251  
Fax: 919 541-3207  
Email: jones.donnalee@epa.gov

Steve Fruh, Environmental Protection  
Agency, Air and Radiation, D 243-02,  
Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

RIN: 2060-AN99

**2864. • AREA SOURCE NESHAP FOR FERROALLOYS PRODUCTION**

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

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

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/08 |         |

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected: State

Additional Information: SAN No. 5122;

**Agency Contact:** Conrad Chin,  
Environmental Protection Agency, Air  
and Radiation, D243-02, Research  
Triangle Park, NC 27711  
Phone: 919 541-1512  
Email: chin.conrad@epamail.epa.gov

Steve Fruh, Environmental Protection  
Agency, Air and Radiation, D 243-02,  
Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

RIN: 2060-AO13

**2865. • REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR NITROGEN DIOXIDE**

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7408; 42 USC 7409

CFR Citation: 40 CFR 50

Legal Deadline: None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5111;

**Agency Contact:** David McKee,  
Environmental Protection Agency, Air  
and Radiation, C504-06, Research  
Triangle Park, NC 27711  
Phone: 919 541-5288  
Fax: 919 541-0237  
Email: mckee.dave@epa.gov

## EPA—Clean Air Act (CAA)

## Long-Term Actions

Karen Martin, Environmental Protection Agency, Air and Radiation, C504-06, Research Triangle Park, NC 27711  
 Phone: 919 541-5274  
 Fax: 919 541-0237  
 Email: martin.karen@epa.gov  
 RIN: 2060-AO19

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA 111

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Christian Fellner, Environmental Protection Agency, Air and Radiation, D243-01, Research Triangle Park, NC 27711

Phone: 919 541-4003  
 Fax: 919 541-5450  
 Email: fellner.christian@epa.gov

Jaime Pagan, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711  
 Phone: 919 541-5340  
 Fax: 919 541-5450  
 Email: pagan.jaime@epamail.epa.gov

RIN: 2060-AO23

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels equivalent to generally available control technology (GACT). The following nine metal fabrication and finishing area source categories have been identified as contributing to the 33 urban HAP emissions (Cd, Cr, Mn, Ni, Pb): (1) Electrical and Electronic Equipment Finishing Operations (SICs 3699, 3621), (2) Fabricated Metal Products (SIC 3499), (3) Fabricated Plate Work (Boiler Shops) (SIC 3443), (4) Fabricated Structural Metal Manufacturing (SIC 3441), (5) Heating Equipment, except Electric (SIC 3433), (6) Industrial Machinery and Equipment: Finishing Operations (SIC's 3531, 3533, 3561), (7) Iron and Steel Forging (SIC 3462), (8) Primary Metal Products Manufacturing (SIC 3399), (9) Valves and Pipe Fittings (SIC 3494). These nine industry sectors have common and similar processes that can emit air pollutants: abrasive blasting, welding, painting, plating, and machining/grinding.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

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

**Agency Contact:** Donnalee Jones, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711  
 Phone: 919 541-5251  
 Fax: 919 541-3207  
 Email: jones.donnalee@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D 243-02, Research Triangle Park, NC 27711  
 Phone: 919 541-2837  
 Fax: 919 541-3207  
 Email: fruh.steve@epamail.epa.gov

RIN: 2060-AO27

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** Not Yet Determined

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

Final, Judicial, April 16, 2009, As per 11/16/2006 Consent Decree.

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5145;

**Agency Contact:** Bill Neuffer,  
Environmental Protection Agency, Air  
and Radiation, D 243-02, Research  
Triangle Park, NC 20460  
Phone: 919 541-5435  
Fax: 919 541-3207  
Email: neuffer.bill@epa.gov

Steve Fruh, Environmental Protection  
Agency, Air and Radiation, D 243-02,  
Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

**RIN:** 2060-AO41

**2869. • REVIEW OF NEW SOURCE  
PERFORMANCE STANDARDS—  
PORTLAND CEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 111

**CFR Citation:** 40 CFR 60, subpart F

**Legal Deadline:** NPRM, Judicial, May  
31, 2008, Court-ordered deadline.  
Final, Judicial, May 31, 2009,  
Court-ordered deadline.

**Abstract:** New Source Performance  
Standards (NSPS) regulate criteria  
pollutants from new stationary sources.  
The Portland Cement NSPS were  
originally promulgated in 1971, and  
last reviewed in 1988. Section 111 of  
the Clean Air Act requires that NSPS  
be reviewed every 8 years, and revised  
as appropriate, so the review is

overdue. The Sierra Club filed a lawsuit  
to compel us to perform this review.  
We have agreed to review the NSPS  
and propose any appropriate changes  
by May 31, 2008, and to promulgate  
the final changes by May 31, 2009.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 5143;

**Agency Contact:** Keith Barnett,  
Environmental Protection Agency, Air  
and Radiation, D243-02, Research  
Triangle Park, NC 27711  
Phone: 919 541-5605  
Fax: 919 541-3207  
Email: barnett.keith@epa.gov

Steve Fruh, Environmental Protection  
Agency, Air and Radiation, D 243-02,  
Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

**RIN:** 2060-AO42

**2870. • REVIEW OF NEW SOURCE  
PERFORMANCE STANDARDS  
(SUBPART UUU)—MINERAL  
DRYERS/CALCINERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** Section 111(b)(1)(B) of the  
Clean Air Act mandates that EPA  
review, and if appropriate, revise  
existing NSPSs at least every 8 years.  
This NSPS was proposed on April 23,  
1986; and promulgated on September  
28, 1992. There have been no prior  
reviews of this NSPS.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 5142;

**Agency Contact:** Bill Neuffer,  
Environmental Protection Agency, Air  
and Radiation, D 243-02, Research  
Triangle Park, NC 20460  
Phone: 919 541-5435  
Fax: 919 541-3207  
Email: neuffer.bill@epa.gov

Steve Fruh, Environmental Protection  
Agency, Air and Radiation, D 243-02,  
Research Triangle Park, NC 27711  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

**RIN:** 2060-AO43

## Environmental Protection Agency (EPA)

## Completed Actions

## Clean Air Act (CAA)

**2871. NAAQS: SULFUR DIOXIDE  
(RESPONSE TO REMAND)**

**Priority:** Other Significant

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

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 03/07/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dave Mckee  
Phone: 919 541-5288

Fax: 919 541-0237  
Email: mckee.dave@epa.gov

Susan Stone  
Phone: 919 541-1146  
Email: stone.susan@epa.gov

**RIN:** 2060-AA61

**2872. PORTLAND CEMENT  
MANUFACTURING INDUSTRY  
NESHAP: AMENDMENT TO  
IMPLEMENT COURT REMAND**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

| Reason                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| NPRM                                  | 12/02/05 | 70 FR 72330 |
| Extension of Public<br>Comment Period | 01/09/06 | 71 FR 1403  |
| Reopening of Public<br>Comment Period | 07/18/06 | 71 FR 40679 |
| FR Notice                             | 12/20/06 | 71 FR 76553 |
| Final Action                          | 12/20/06 | 71 FR 76518 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Keith Barnett  
Phone: 919 541-5605

## EPA—Clean Air Act (CAA)

## Completed Actions

Fax: 919 541-3207  
Email: barnett.keith@epa.gov

Steve Fruh  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov

RIN: 2060-AJ78

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

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 01/09/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Randy McDonald  
Phone: 919 541-5402  
Email: mcdonald.randy@epamail.epa.gov

KC Hustvedt  
Phone: 919 541-5395  
Fax: 919 541-0246  
Email: hustvedt.ken@epamail.epa.gov  
RIN: 2060-AK13

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

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Randy McDonald  
Phone: 919 541-5402  
Email: mcdonald.randy@epamail.epa.gov

KC Hustvedt  
Phone: 919 541-5395  
Fax: 919 541-0246  
Email: hustvedt.ken@epamail.epa.gov  
RIN: 2060-AK14

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

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

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

**Completed:**

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Christopher Lieske  
Phone: 734 214-4584  
Email: lieske.christopher@epamail.epa.gov  
RIN: 2060-AK70

### 2876. CONSIDERATION OF INDUSTRY PETITION TO REMOVE THE TWO-PIECE CAN SUBCATEGORY FROM THE CLEAN AIR ACT HAZARDOUS AIR POLLUTANT SOURCE CATEGORY LIST

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 03/07/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mark Morris  
Phone: 919 541-5416  
Email: morris.mark@epamail.epa.gov

Dave Guinnup  
Phone: 919 541-5368  
Fax: 919 541-0840  
Email: guinnup.dave@epamail.epa.gov  
RIN: 2060-AL86

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

**Priority:** Substantive, Nonsignificant

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

**Completed:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Greg Nizich  
Phone: 919 541-3078  
Email: nizich.greg@epamail.epa.gov

Kent Hustvedt  
Phone: 919 541-5395  
Fax: 919 541-0246  
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060-AM16

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

**Priority:** Other Significant

**CFR Citation:** Not Yet Determined

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 04/13/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bill Schrock  
Phone: 919 541-5032  
Email: schrock.bill@epa.gov

Robin Dunkins  
Phone: 919 541-5335  
Email: dunkins.robin@epa.gov  
RIN: 2060-AM26

### 2879. NESHAP: SITE REMEDIATION: AMENDMENTS

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Greg Nizich  
Phone: 919 541-3078  
Email: nizich.greg@epamail.epa.gov

Kent Hustvedt  
Phone: 919 541-5395  
Fax: 919 541-0246

## EPA—Clean Air Act (CAA)

## Completed Actions

Email: hustvedt.ken@epa.gov

RIN: 2060-AM30

**2880. NESHAP: AREA SOURCE STANDARDS—CLAY CERAMICS INDUSTRY**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

| Reason    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 03/14/07 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bill Neuffer

Phone: 919 541-5435

Fax: 919 541-3207

Email: neuffer.bill@epa.gov

Steve Fruh

Phone: 919 541-2837

Fax: 919 541-3207

Email: fruh.steve@epamail.epa.gov

RIN: 2060-AM53

**2881. NONATTAINMENT MAJOR NEW SOURCE REVIEW (NSR)**

**Priority:** Other Significant

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

**Completed:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** Lisa Sutton

Phone: 919 541-3450

Fax: 919 541-5509

Email: sutton.lisa@epamail.epa.gov

Janet McDonald

Phone: 919 541-1450

Email: mcdonald.janet@epamail.epa.gov

RIN: 2060-AM59

**2882. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES IN FOAM BLOWING**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 82

**Completed:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Jeff Cohen

Phone: 202 343-9005

Fax: 202 343-2337

Email: cohen.jeff@epamail.epa.gov

Margaret Sheppard

Phone: 202 343-9163

Fax: 202 343-2337

Email: sheppard.margaret@epa.gov

RIN: 2060-AN11

**2883. FUEL ECONOMY LABELING OF MOTOR VEHICLES: REVISIONS TO IMPROVE CALCULATION OF FUEL ECONOMY ESTIMATES**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 600

**Completed:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Roberts French

Phone: 734 214-4380

Email: french.roberts@epamail.epa.gov

Robin Moran

Phone: 734 214-4781

Email: moran.robin@epamail.epa.gov

RIN: 2060-AN14

**2884. INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILER AND PROCESS HEATER NESHAP, RECONSIDERATION OF EMISSIONS AVERAGING PROVISION AND TECHNICAL CORRECTIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63.7480

**Completed:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jim Eddinger

Phone: 919 541-5426

Fax: 919 541-5450

Email: eddinger.jim@epa.gov

Robert Wayland

Phone: 919 541-1045

Email:

wayland.robertj@epamail.epa.gov

RIN: 2060-AN32

**2885. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF HFE-7300**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dave Sanders

Phone: 919 541-3356

Fax: 919 541-0824

Email: sanders.dave@epamail.epa.gov

William L. Johnson

Phone: 919 541-5245

Fax: 919 541-0824

Email:

johnson.williaml@epamail.epa.gov

RIN: 2060-AN34

**2886. TREATMENT OF DATA INFLUENCED BY EXCEPTIONAL EVENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 50

**Completed:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** Larry Wallace

Phone: 919 541-0906

Fax: 919 541-5489

## EPA—Clean Air Act (CAA)

## Completed Actions

Email: wallace.larry@epa.gov

Eric Ginsburg  
Phone: 919 541-0877  
Fax: 919 541-4511  
Email: ginsburg.eric@epa.gov  
RIN: 2060-AN40

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

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

**Completed:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sharon Nizich  
Phone: 919 541-2825  
Fax: 919-541-0072  
Email: nizich.sharon@epamail.epa.gov

Steve Fruh  
Phone: 919 541-2837  
Fax: 919 541-3207  
Email: fruh.steve@epamail.epa.gov  
RIN: 2060-AN45

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

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82

**Completed:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marta Montoro  
Phone: 202 343-9321  
Fax: 202 565-2079  
Email: montoro.marta@epamail.epa.gov

Ross Brennan

Phone: 202 343-9226  
Fax: 202 565-2155  
Email: brennan.ross@epamail.epa.gov  
RIN: 2060-AN54

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

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 80(H)

**Completed:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Alvaro Alvarado  
Phone: 202 343-9473  
Email: alvarado.alvaro@epa.gov

Leila Cook  
Phone: 734 214-4820  
Email: cook.leila@epamail.epa.gov  
RIN: 2060-AN66

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

Priority: Other Significant

CFR Citation: 40 CFR 70; 40 CFR 71

**Completed:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** Peter Westlin  
Phone: 919 541-1058  
Fax: 919 541-1039  
Email: westlin.peter@epa.gov

Barrett Parker  
Phone: 919 541-5365  
Fax: 919 541-1039  
Email: parker.barrett@epa.gov

RIN: 2060-AN74

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

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 81

**Completed:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Agency Contact:** Barbara Driscoll  
Phone: 919 541-1051  
Fax: 919 541-5489  
Email: driscoll.barbara@epamail.epa.gov

David Cole  
Phone: 919 541-5565  
Email: cole.david@epa.gov

RIN: 2060-AN90

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

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60

**Completed:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Martha Smith  
Phone: 919 541-2421  
Fax: 919 541-0234  
Email: smith.martha@epa.gov

Robin Dunkins  
Phone: 919 541-5335  
Email: dunkins.robin@epa.gov

RIN: 2060-AN91

## EPA—Clean Air Act (CAA)

## Completed Actions

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

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Martha Smith

Phone: 919 541-2421

Fax: 919 541-0234

Email: smith.martha@epa.gov

Robin Dunkins

Phone: 919 541-5335

Email: dunkins.robin@epa.gov

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

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

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

Phone: 919 541-5426

Fax: 919 541-5450

Email: eddinger.jim@epa.gov

Robert J. Wayland

Phone: 919 541-1045

Fax: 919 541-5450

Email:

wayland.robertj@epamail.epa.gov

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.**Additional Information:** SAN No. 4571.4; EPA publication information: Final Action - <http://www.epa.gov/fedrgstr/EPA->

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

**URL For More Information:**[www.epa.gov/ttn/atw/utility/utiltoxpg.html](http://www.epa.gov/ttn/atw/utility/utiltoxpg.html)**Agency Contact:** Sam Waltzer, Environmental Protection Agency, Air and Radiation, C439-01, Washington, DC 20460

Phone: 202 343-9175

Fax: 202 565-2140

Email: waltzer.sam@epamail.epa.gov

Murat Kavlak, Environmental Protection Agency, Air and Radiation, C439-01, Washington, DC 20460

Phone: 202 343-9634

Fax: 202 565-2140

Email: kavlak.murat@epamail.epa.gov

**RIN:** 2060-AO08**2896. • CLEAN AIR INTERSTATE RULE (CAIR) AND FEDERAL IMPLEMENTATION PLANS FOR CAIR; CORRECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51; 40 CFR 96; 40 CFR 97**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5103; EPA publication information: Final Action - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-13/a21199.htm>

## EPA—Clean Air Act (CAA)

## Completed Actions

**Agency Contact:** Carla Oldham, Environmental Protection Agency, Air and Radiation, C539-04, Research Triangle Park, NC 27711  
Phone: 919 541-3347  
Fax: 919 541-5489  
Email: oldham.carla@epamail.epa.gov

Barbara Driscoll, Environmental Protection Agency, Air and Radiation, C539-04, Research Triangle Park, NC 27711  
Phone: 919 541-1051  
Fax: 919 541-5489  
Email: driscoll.barbara@epamail.epa.gov

**RIN:** 2060-AO21

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Denise Gerth, Environmental Protection Agency, Air and Radiation, C539-01, Research Triangle Park, NC 27711  
Phone: 919 541-5550  
Fax: 919 541-0824  
Email: gerth.denise@epa.gov

**RIN:** 2060-AO22

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Atomic Energy Act (AEA)

**2898. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE DISPOSAL OF LOW-ACTIVITY MIXED RADIOACTIVE WASTE**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 193

**Legal Deadline:** None

**Abstract:** This rulemaking would address the problem of disposal of low-activity mixed radioactive wastes, consisting of a chemically hazardous component and low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources. The rulemaking is intended to increase disposal options for these wastes and offer a streamlined regulatory process which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. The rule would not mandate a disposal method, but rather would permit an alternative to existing disposal methods. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the

application of this rule. An Advanced Notice of Proposed Rulemaking was issued to solicit early public input on this issue.

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| ANPRM  | 11/18/03 | 68 FR 65120 |
| NPRM   | 06/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4054; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-18/f28651.htm>;

**Agency Contact:** Daniel Schultheisz, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460  
Phone: 202 343-9349  
Fax: 202 343-2304  
Email: schultheisz.daniel@epamail.epa.gov

**RIN:** 2060-AH63

**2899. TECHNICAL CHANGE TO DOSE METHODOLOGY FOR 40 CFR 190, SUBPART B AND 40 CFR 191, SUBPART A**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The purpose of this action is to make a technical change to the dose methodology used in subpart A of 40 CFR 191, entitled Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level Waste, and Transuranic Waste. The current methodology is outdated. The dose methodology used in the rule published on September 19, 1985, was based on the target organ approach recommended by the International Commission on Radiological Protection (ICRP) in Report No. 2. Since that time science has progressed and a new methodology based on an effective dose equivalent approach is currently being recommended by the ICRP in Report

## EPA—Atomic Energy Act (AEA)

## Proposed Rule Stage

No. 26. This action would update the 40 CFR 191, subpart A dose limits published in 1985 from the target organ to the state-of-the-art effective dose equivalent system. There would be no change in the level of protection, just the scientific methodology for determining compliance with the levels of protection established in 1985.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4003;**Agency Contact:** Ray Clark, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

Phone: 202 343-9198

Fax: 202 343-9198

Email: clark.ray@epa.gov

**RIN:** 2060-AH90

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Atomic Energy Act (AEA)

**2900. AMENDMENT OF THE STANDARDS FOR RADIOACTIVE WASTE DISPOSAL IN YUCCA MOUNTAIN, NEVADA****Priority:** Other Significant**Legal Authority:** PL 102-486**CFR Citation:** 40 CFR 197**Legal Deadline:** None

**Abstract:** This action will amend the standards for Yucca Mountain, Nevada (40 CFR part 197). These standards were issued in 2001 and were partially remanded by a Federal court in 2004. These amendments will address the remanded portion of the standards, viz., the compliance period. Yucca Mountain is the site of a potential geologic repository for spent nuclear fuel and high-level radioactive waste. It is about 100 miles northwest of Las Vegas, Nevada, and straddles the boundaries of the Nevada Test Site, Bureau of Land Management land, and an Air Force bombing range. The site is being developed by the Department of Energy (DOE). The DOE will submit a license application to the Nuclear Regulatory Commission (NRC). EPA

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4964; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-22/a16193.htm>;**Agency Contact:** Ray Clark, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

Phone: 202 343-9198

Fax: 202 343-9198

Email: clark.ray@epa.gov

Raymond Lee, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

Phone: 202 343-9463

Fax: 202 343-2503

Email: lee.raymond@epa.gov

**RIN:** 2060-AN15

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Noise Control Act (NCA)

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

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

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

evolved since initial promulgation of the regulation in 1979.

**Timetable:**

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

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

## EPA—Noise Control Act (NCA)

## Proposed Rule Stage

**Agency Contact:** Ken Feith,  
Environmental Protection Agency, Air  
and Radiation, 6103, Washington, DC  
20460  
Phone: 202 564-1679

Fax: 202 564-1677  
Email: feith.ken@epamail.epa.gov

Catrice Jefferson, Environmental  
Protection Agency, Air and Radiation,  
6103, Washington, DC 20460

Phone: 202 564-1668  
Fax: 202 564-1677  
Email:  
jefferson.catrice@epamail.epa.gov

**RIN:** 2060-AO25

## Environmental Protection Agency (EPA)

## Prerule Stage

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

### 2902. ENDOCRINE DISRUPTOR SCREENING PROGRAM (EDSP); IMPLEMENTING THE SCREENING AND TESTING PHASE

**Priority:** Other Significant

**Legal Authority:** 15 USC 2603 “TSCA”; 21 USC 346(a) “FFDCA”; 42 USC 300(a)(17) “SDWA”; 7 USC 136 “FIFRA”

**CFR Citation:** None

**Legal Deadline:** None

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

chemicals. The Agency intends to conduct a review of the data received from the screening of the initial group of chemicals to evaluate whether the program could be improved or optimized, and if so, how.

#### Timetable:

| Action           | Date     | FR Cite |
|------------------|----------|---------|
| Draft Procedures | 08/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

#### URL For More Information:

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

**Agency Contact:** William Wooge,  
Environmental Protection Agency,  
Office of Prevention, Pesticides and  
Toxic Substances, 7201M, Washington,  
DC 20460  
Phone: 202 564-8476  
Fax: 202 564-8482  
Email: wooge.william@epa.gov

Joe Nash, Environmental Protection  
Agency, Office of Prevention, Pesticides  
and Toxic Substances, 7405M,  
Washington, DC 20460  
Phone: 202 564-8886  
Fax: 202 564-4765  
Email: nash.joseph@epa.gov

**RIN:** 2070-AD61

### 2903. PESTICIDES; DETERMINATION OF STATUS OF PRIONS AS PESTS

**Priority:** Other Significant

**Legal Authority:** 7 USC 136; 7 USC 136w

**CFR Citation:** 40 CFR 152

**Legal Deadline:** None

**Abstract:** In 2004, the Agency stated that it considered prions (proteinaceous infectious particles) to be a “pest” under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Agency is further reviewing the relationship of prions to FIFRA and considering whether any additional or different approaches to prions or products intended to prevent, destroy, repel, or mitigate prions are appropriate or necessary under FIFRA. The Agency may issue an ANPRM to seek comment and foster discussion of this issue.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4985;

**Agency Contact:** Carlton Kempter,  
Environmental Protection Agency,  
Office of Prevention, Pesticides and  
Toxic Substances, 7510P, Washington,  
DC 20460  
Phone: 703 305-5448  
Fax: 703 305-6467  
Email: kempter.carlton@epa.gov

**RIN:** 2070-AJ26

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

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

**2904. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS****Priority:** Other Significant**Legal Authority:** 7 USC 136 to 136y**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update and revise its pesticide data requirements for antimicrobial pesticide products. The revisions will codify data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for antimicrobial pesticides, including product chemistry and residue chemistry, toxicology, and environmental fate and effects.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4173;

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

**URL For More Information:**

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

**Agency Contact:** Paul Parsons, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 308-9073

Fax: 703 305-5884

Email: parsons.paul@epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305-5944

Fax: 703 305-5884

Email: frane.jean@epa.gov

**RIN:** 2070-AD30**2905. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEIN GENES****Priority:** Other Significant**Legal Authority:** 21 USC 346(a) et seq; 7 USC 136 et seq**CFR Citation:** 40 CFR 174**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants based on viral coat protein genes to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to "prevent, repel or mitigate any pest." These substances are also "pesticide chemical residues" under the Federal Food, Drug, and Cosmetic Act (FFDCA). Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants based on viral coat protein genes from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

**Timetable:**

| Action              | Date     | FR Cite     |
|---------------------|----------|-------------|
| NPRM                | 11/23/94 | 59 FR 60496 |
| Supplemental NPRM 1 | 07/22/96 | 61 FR 37891 |
| Supplemental NPRM 2 | 05/16/97 | 62 FR 27132 |
| Supplemental NPRM 3 | 04/23/99 | 64 FR 19958 |
| Supplemental NPRM 4 | 07/19/01 | 66 FR 37855 |
| Reproposal          | 04/00/07 |             |

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

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

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

**URL For More Information:**

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

**Agency Contact:** Melissa Kramer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460

Phone: 202 564-8497

Fax: 202 564-8502

Email: kramer.melissa@epa.gov

Tom McClintock, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460

Phone: 202 564-8488

Fax: 202 564-8502

Email: mcclintock.tom@epa.gov

**RIN:** 2070-AD49**2906. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS****Priority:** Other Significant**Legal Authority:** 7 USC 136; 7 USC 136i; 7 USC 136w**CFR Citation:** 40 CFR 171; 40 CFR 156; 40 CFR 152**Legal Deadline:** None

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

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

## Proposed Rule Stage

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/08 |         |

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN No. 5007

**Agency Contact:** Kathy Davis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 308-7002

Fax: 703 308-2962

Email: davis.kathy@epa.gov

Donald Eckerman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305-5062

Fax: 703 308-2962

Email: eckerman.donald@epa.gov

**RIN:** 2070-AJ20**2907. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS****Priority:** Other Significant**Legal Authority:** 7 USC 136; 7 USC 136w**CFR Citation:** 40 CFR 156; 40 CFR 170**Legal Deadline:** None

**Abstract:** The EPA is developing a proposal to revise the Federal regulations guiding agricultural worker protection (40 CFR 170). The changes under consideration are intended to help agricultural workers protect themselves from potential exposure to pesticides and pesticide residues. In addition, EPA is proposing to make adjustments to improve and clarify current requirements and facilitate enforcement. Other changes sought are to establish a right-to-know Hazard Communication program and make improvements to pesticide safety training, with improved worker safety the intended outcome. The need for

change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/08 |         |

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 5006

**Agency Contact:** Don Eckerman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305-5062

Fax: 703 308-2962

Email: eckerman.donald@epa.gov

Kathy Davis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 308-7002

Fax: 703 308-2962

Email: davis.kathy@epa.gov

**RIN:** 2070-AJ22**2908. PESTICIDES; DATA REQUIREMENTS FOR PLANT-INCORPORATED PROTECTANTS (PIPS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136a; 7 USC 136w**CFR Citation:** 40 CFR 174**Legal Deadline:** None

**Abstract:** EPA intends to propose codifying data requirements for the pesticide registration of plant-incorporated protectants (PIPs). These data requirements are intended to provide EPA with data and other information necessary for the registration of PIPs. These requirements would improve the Agency's ability to make regulatory decisions about the human health and environmental effects of these products. By codifying

data requirements specific to PIPs, the regulated community would have a better understanding of and could better prepare for the registration process. This proposed rule is one in a series of proposals to update and clarify pesticide data requirements.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/08 |         |

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 5005

**Agency Contact:** Kristen Brush, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 308-0308

Email: brush.kristen@epa.gov

William Schneider, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7511P, Washington, DC 20460

Phone: 703 308-8683

Fax: 703 308-7026

Email: schneider.william@epa.gov

**RIN:** 2070-AJ27**2909. PESTICIDES; EXPANSION OF CROP GROUPING PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 346a**CFR Citation:** 40 CFR 180**Legal Deadline:** None

**Abstract:** EPA is revising the pesticide crop grouping regulations to create new crop groupings, add new subgroups, and expand existing crop groups by adding new commodities. EPA expects these revisions to promote greater use of crop grouping for tolerance-setting purposes and to facilitate the availability of pesticides for minor crop uses. This proposal is the first one in a series of proposals for revisions to crop grouping regulations.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No

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

Proposed Rule Stage

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5031**Agency Contact:** Rame Cromwell, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 308-9068

Fax: 703 305-5884

Email: cromwell.rame@epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305-5944

Fax: 703 305-5884

Email: frane.jean@epa.gov

**RIN:** 2070-AJ28**2910. PESTICIDE AGRICULTURAL CONTAINER RECYCLING PROGRAM****Priority:** Other Significant**Legal Authority:** 7 USC 136 to 136y**CFR Citation:** 40 CFR 165**Legal Deadline:** None**Abstract:** EPA will propose to require that manufacturers of agricultural and professional specialty pesticides support (either by managing and operating, or contracting with another organization) a container recycling program that meets the standards of the American National Standards Institute (ANSI). The proposed regulation will ensure the continued operation of an existing but endangered nationwide infrastructure for voluntary recycling of plastic pesticide containers.**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 5050**Agency Contact:** Jeanne Kasai, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 308-3240

Fax: 703 308-2962

Email: kasai.jeanne@epa.gov

Nancy Fitz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305-7385

Fax: 703 308-2962

Email: fitz.nancy@epa.gov

**RIN:** 2070-AJ29

## Environmental Protection Agency (EPA)

Final Rule Stage

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2687; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/2005/March/Day-11/p4466.htm>; Individual Document id in the EPA docket: <http://www.epa.gov/edocket>**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing**URL For More Information:** <http://www.epa.gov/pesticides/regulating/data.htm>**Agency Contact:** Vera Au, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 308-9069

Fax: 703 305-5884

Email: au.vera@epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305-5944

Fax: 703 305-5884

Email: frane.jean@epa.gov

**RIN:** 2070-AC12**2912. PESTICIDES; DATA REQUIREMENTS FOR BIOCHEMICAL AND MICROBIAL PRODUCTS****Priority:** Other Significant**Legal Authority:** 7 USC 136 to 136y**CFR Citation:** 40 CFR 158**Legal Deadline:** None**Abstract:** EPA will update the data requirements necessary to register a biochemical or microbial pesticide product. The revisions will codify data requirements to reflect current regulatory and scientific standards. The

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

Final Rule Stage

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

**Timetable:**

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

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

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

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

**URL For More Information:**

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

**Agency Contact:** Candace Brassard, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305-6598

Fax: 703 305-5884

Email: [brassard.candace@epa.gov](mailto:brassard.candace@epa.gov)

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305-5944

Fax: 703 305-5884

Email: [frane.jean@epa.gov](mailto:frane.jean@epa.gov)

RIN: 2070-AD51

**2913. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS**

**Priority:** Other Significant**Legal Authority:** 7 USC 136 et seq; 21 USC 346a et seq**CFR Citation:** 40 CFR 174**Legal Deadline:** None

**Abstract:** EPA is withdrawing this proposed action because the original proposal was issued in 1994, and the Agency has determined that the record

does not address the recent scientific information developed since the original proposal. Consequently, the record would not provide adequate, up-to-date support for the proposed rule. If EPA were to pursue such an exemption, the Agency would issue a new proposed rule. However, withdrawing the 1994 proposal does not preclude EPA's pursuing the same approach in the future. In addition, EPA's priorities have changed since 1994. At that time, EPA believed that an exemption for PIPs derived through genetic engineering from plants sexually compatible with the recipient plant had the potential to cover a number of low-risk products. However, experience in the last decade has shown that such PIPs have not been developed in great numbers. In light of the expected limited utility of such an exemption, EPA does not consider it prudent to expend resources for an exemption that would likely benefit only very few entities. Should the Agency decide to pursue such a rulemaking in the future, EPA will create a new entry for that effort in the Regulatory Agenda.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 11/23/94 | 59 FR 60496 |
| Supplemental NPRM 1        | 07/22/96 | 61 FR 37891 |
| Supplemental NPRM 2        | 05/16/97 | 62 FR 27132 |
| Supplemental NPRM 3        | 04/23/99 | 64 FR 19958 |
| Supplemental NPRM 4        | 07/19/01 | 66 FR 37855 |
| Supplemental NPRM 5        | 08/20/01 | 66 FR 43552 |
| Notice: Withdrawal of NPRM | 05/00/07 |             |

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

**Additional Information:** SAN No. 4611; EPA publication information: Supplemental NPRM 3-Request for Comment on Alternate Name; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

**Sectors Affected:** 111 Crop Production; 32532 Pesticide and Other Agricultural

Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

**URL For More Information:**

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

**Agency Contact:** Elizabeth Milewski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460

Phone: 202 564-8492

Fax: 202 564-8502

Email: [milewski.elizabeth@epa.gov](mailto:milewski.elizabeth@epa.gov)

Janet Andersen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7511P, Washington, DC 20460

Phone: 703 308-8712

Fax: 703 308-7026

Email: [andersen.janet@epa.gov](mailto:andersen.janet@epa.gov)

RIN: 2070-AD55

**2914. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT**

**Priority:** Other Significant**Legal Authority:** 7 USC 136 et seq; 21 USC 346a et seq**CFR Citation:** 40 CFR 174**Legal Deadline:** None

**Abstract:** EPA is withdrawing this proposed action because the original proposal was issued in 1994, and the Agency has determined that the record does not address the recent scientific information developed since the original proposal. Consequently, the record would not provide adequate, up-to-date support for the proposed rule. If EPA were to pursue such an exemption, the Agency would issue a new proposed rule. However, withdrawing the 1994 proposal does not preclude EPA's pursuing the same approach in the future. At that time, EPA will create a new entry for that effort in the Regulatory Agenda.

**Timetable:**

| Action              | Date     | FR Cite     |
|---------------------|----------|-------------|
| NPRM Original       | 11/23/94 | 59 FR 60496 |
| Supplemental NPRM   | 07/22/96 | 61 FR 37891 |
| Supplemental NPRM 2 | 05/16/97 | 62 FR 27132 |
| Supplemental NPRM 3 | 04/23/99 | 64 FR 19958 |

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

Final Rule Stage

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

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

**Additional Information:** SAN No. 4612; EPA publication information: NPRM Original-FIFRA Exemption; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked.

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

**URL For More Information:**

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

**Agency Contact:** Elizabeth Milewski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460

Phone: 202 564-8492

Fax: 202 564-8502

Email: milewski.elizabeth@epa.gov

Janet Andersen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7511P, Washington, DC 20460

Phone: 703 308-8712  
Fax: 703 308-7026  
Email: andersen.janet@epa.gov

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

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

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

**Timetable:**

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

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

**Additional Information:** SAN No. 3222; EPA publication information: Notice-Notice of Availability regarding Metolachlor

**Sectors Affected:** 9241 Administration of Environmental Quality Programs

**Agency Contact:** Charles Evans, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305 7199

Email: evans.charles@epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305-5944

Fax: 703 305-5884

Email: frane.jean@epa.gov

**RIN:** 2070-AC46

## Environmental Protection Agency (EPA)

Long-Term Actions

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

**2916. PESTICIDES; TOLERANCE PROCESSING FEES****Priority:** Other Significant**Legal Authority:** 21 USC 346(a)**CFR Citation:** 40 CFR 180; 40 CFR 178**Legal Deadline:** None

**Abstract:** Section 408(m) of the Federal Food, Drug, and Cosmetic Act requires EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying,

leaving in effect, or revoking a tolerance or tolerance exemption. EPA developed a final rule that would have adjusted the fee structure and fee amounts for tolerance actions. A final rule completed OMB review on December 31, 2003, but has not been issued because the Consolidated Appropriations Act of 2004, signed on January 23, 2004, prohibits EPA from collecting any tolerances fees until September 30, 2008. This prohibition was expanded in 2005 to include a prohibition on using Federal funding to

perform any work on a final tolerance fee rulemaking. As such, no rulemaking activities are currently planned.

**Timetable:**

| Action              | Date             | FR Cite     |
|---------------------|------------------|-------------|
| NPRM                | 06/09/99         | 64 FR 31039 |
| Supplemental NPRM   | 07/24/00         | 65 FR 45569 |
| Supplemental NPRM 2 | 08/31/00         | 65 FR 52979 |
| Final Action        | To Be Determined |             |

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

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

## Long-Term Actions

**Government Levels Affected:** Federal  
**Additional Information:** SAN No. 4027; EPA publication information: NPRM-Pesticides—Tolerance Processing Fees

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

**URL For More Information:**

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

**Agency Contact:** Lindsay Moose, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7501P, Washington, DC 20460

Phone: 703 305-7108

Fax: 703 305-6244

Email: [moose.lindsay@epa.gov](mailto:moose.lindsay@epa.gov)

**RIN:** 2070-AJ23

### 2917. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action       | Date     | FR Cite    |
|--------------|----------|------------|
| NPRM         | 06/00/08 |            |
| Final Action | To Be    | Determined |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4618

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

**Agency Contact:** Scott Garrison, Environmental Protection Agency, 2333A, Washington, DC 20460  
 Phone: 202 564-4047  
 Fax: 202 564-5644  
 Email: [garrison.scott@epamail.epa.gov](mailto:garrison.scott@epamail.epa.gov)

**Related RIN:** Previously reported as 2020-AA44

**RIN:** 2015-AA00

### 2918. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136(a)(h); 7 USC 136(w)

**CFR Citation:** 40 CFR 152

**Legal Deadline:** Final, Statutory, September 15, 2000, The Final Rule is due 240 days after close of comment period.

**Abstract:** This regulation will specify antimicrobial registration reforms that will reduce to the extent possible the review time for antimicrobial pesticides. The regulation will clarify criteria for completeness of applications, and will specify or refer to a definition of the various classes of antimicrobial pesticide use patterns and the associated data and labeling requirements that would be consistent with the degree and type of risk presented by each class. In addition, the regulation will also include labeling standards for public health antimicrobial products.

**Timetable:**

| Action         | Date     | FR Cite     |
|----------------|----------|-------------|
| NPRM           | 09/17/99 | 64 FR 50671 |
| Notice         | 11/16/99 | 64 FR 62145 |
| Final Action 1 | 12/14/01 | 66 FR 64759 |
| Final Action 2 | To Be    | Determined  |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3892; EPA publication information: Final Action 1 -

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

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

**URL For More Information:**

<http://www.epa.gov/oppad001/regpolicy.htm>

**Agency Contact:** Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460

Phone: 703 305-5944

Fax: 703 305-5884

Email: [frane.jean@epa.gov](mailto:frane.jean@epa.gov)

Cleo Pizana, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7510P, Washington, DC 20460

Phone: 703 308-6431

Email: [pizana.cleo@epa.gov](mailto:pizana.cleo@epa.gov)

**RIN:** 2070-AD14

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

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 174; 40 CFR 152; 40 CFR 156; 40 CFR 167; 40 CFR 168; 40 CFR 169; 40 CFR 172

**Legal Deadline:** None

**Abstract:** Plant-Incorporated Protectants (PIPs) are pesticidal substances intended to be produced and used in living plants and the genetic material needed for their production. EPA has been regulating PIPs under FIFRA, including issuing experimental use permits and commercial registrations, for over 10 years, with the first commercial registration of a PIP under FIFRA issued in 1995. On July 19, 2001, EPA published rules establishing much of the current regulatory structure for PIPs. This rulemaking effort is intended to address the issues that were not

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

## Long-Term Actions

addressed in 2001, including defining the nature of regulated production of PIPs and associated issues such as reporting, product labeling, and recordkeeping. The rule will affect those persons who produce PIPs and is expected to clarify the legal requirements of their products at various production phases, improving their ability to conduct business. It is expected to also improve the ability of the EPA to identify and respond to instances where there are potentially significant violations. EPA also intends to address activities that the Agency does not believe warrant regulation and will consider exempting those activities, as appropriate, from FIFRA in whole or in part.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 5082

**Agency Contact:** Stephen Howie, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460  
Phone: 202 564-4146  
Fax: 202 564-8502

Email: howie.stephen@epa.gov

Elizabeth Milewski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460

Phone: 202 564-8492

Fax: 202 564-8502

Email: milewski.elizabeth@epa.gov

**RIN:** 2070-AJ32**2920. • PLANT-INCORPORATED PROTECTANT—ASSOCIATED FUSION PROTEINS (PIP-AFPS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136**CFR Citation:** 40 CFR 174.3**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 5101

**Agency Contact:** Kenneth Haymes, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460  
Phone: 202 564-0306  
Fax: 202 564-8502  
Email: haymes.kenneth@epa.gov

Elizabeth Milewski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460  
Phone: 202 564-8492  
Fax: 202 564-8502  
Email: milewski.elizabeth@epa.gov

**RIN:** 2070-AJ33

## Environmental Protection Agency (EPA)

## Completed Actions

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

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

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

**RIN:** 2020-AA44

**Environmental Protection Agency (EPA)**  
**Toxic Substances Control Act (TSCA)**

Prerule Stage

**2922. NANOSCALE MATERIALS UNDER TSCA**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2601 et seq

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Nanoscale materials are chemical substances containing structures on the scale of approximately 1 to 100 nanometers, and may have different molecular organizations and properties than the same chemical substances on a larger scale. Because such materials may have novel properties and present novel issues, evaluating and managing health and environmental risks of nanoscale materials poses a new challenge. Under the Toxic Substances Control Act, EPA has the authority to require the development of data necessary for the assessment of chemical substances and mixtures from persons that manufacture or process them when statutory findings concerning (1) production volume and exposure/entry into the environment or (2) potential hazard can

be made, and to prevent and eliminate unreasonable risk of injury to human health and environment from chemical substances and mixtures. The Office of Pollution Prevention and Toxics (OPPT) is establishing a voluntary program to assemble existing data and information from manufacturers and processors of certain nanoscale materials. With this assembled material, EPA will take appropriate steps to protect human health and the environment from unreasonable risk from these substances. In October 2006, EPA announced a collaborative process to design a nanoscale material stewardship program inviting 500 organizations and agencies to participate. In addition to the development of a document that describes the specific elements of the voluntary program, the Agency intends to develop other materials for which it will seek stakeholder input. This includes an updated document that describes the approach to nanoscale materials under TSCA and a paper that describes determining the inventory status of nanoscale materials.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 5058

**Agency Contact:** Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
 Phone: 202 564-8974  
 Fax: 202 564-9490  
 Email: alwood.jim@epa.gov

Jim Willis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
 Phone: 202 564-0104  
 Fax: 202 564-9490  
 Email: willis.jim@epamail.epa.gov

**RIN:** 2070-AJ30

**Environmental Protection Agency (EPA)**  
**Toxic Substances Control Act (TSCA)**

Proposed Rule Stage

**2923. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTIONS FROM THE PROHIBITIONS AGAINST MANUFACTURING, PROCESSING, AND DISTRIBUTION IN COMMERCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2605 "TSCA 6(e)(3)(B)"

**CFR Citation:** 40 CFR 761

**Legal Deadline:** None

**Abstract:** Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions against manufacturing, processing, and distribution in commerce of PCBs upon finding that 1) no unreasonable risk to health or the environment will occur and 2) good faith efforts have been made by the petitioner to develop a substitute for PCB which does not pose an unreasonable risk of injury to health or the environment.

**Timetable:**

| Action                 | Date     | FR Cite |
|------------------------|----------|---------|
| NPRM: New DOD Petition | 06/00/07 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 2150;

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

**URL For More Information:**

[www.epa.gov/pcb](http://www.epa.gov/pcb)

**Agency Contact:** Tom Simons, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460  
 Phone: 202 566-0517  
 Fax: 202 566-0473  
 Email: simons.tom@epamail.epa.gov

**RIN:** 2070-AB20

**2924. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2603

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

**Legal Deadline:** None

**Abstract:** EPA is issuing test rules under section 4(a) of the Toxic Substances Control Act (TSCA) to require testing and recordkeeping requirements for certain high production volume (HPV) chemicals (i.e., chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis) that have not been sponsored under the voluntary HPV Challenge Program. Although varied based on specific data needs for the particular chemical, the data generally collected under these rules may include: Acute toxicity, repeat dose toxicity, developmental and reproductive toxicity, mutagenicity, ecotoxicity, and environmental fate. The first rule proposed testing for 37 HPV chemicals with substantial worker

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

exposure. When finalized on March 16, 2006, the number of chemicals included in the first final rule was reduced to 17 based on new information on annual production volumes, worker exposure, and commitments to the voluntary HPV Challenge Program. Subsequent test rules, including a proposed rule scheduled to be published in spring of 2007 will require similar screening level testing for other unsponsored HPV Challenge Program chemicals.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

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

**URL For More Information:**

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

**Agency Contact:** Paul Campanella, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8091

Fax: 202 564-4765

Email: [campanella.paul@epa.gov](mailto:campanella.paul@epa.gov)

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8469

Fax: 202 564-4765

Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

**RIN:** 2070-AD16

**2925. SIGNIFICANT NEW USE RULE (SNUR); SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 "TSCA 5"

**CFR Citation:** 40 CFR 704; 40 CFR 721; 40 CFR 707; 40 CFR 710

**Legal Deadline:** None

**Abstract:** In support of the residential upholstered furniture (RUF) flammability standards under consideration by the Consumer Product Safety Commission (CPSC), EPA would propose a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals for use in RUF. The SNUR would require companies intending to import, manufacture, or process these chemicals for use as a flame retardant in RUF to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities. The required notice will provide EPA with the opportunity to evaluate their use as flame retardant chemicals in RUF, and if necessary to prohibit or limit such activity before it occurs to prevent any unreasonable risk of injury to human health or the environment.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4512; EPA Docket information: EPA-HQ-OPPT-2002-0074

**Sectors Affected:** 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing

**Agency Contact:** John Bowser, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8082

Fax: 202 564-4775

Email: [bowser.john@epamail.epa.gov](mailto:bowser.john@epamail.epa.gov)

Amy Breedlove, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-9823

Fax: 202 564-4775

Email: [breedlove.amy@epa.gov](mailto:breedlove.amy@epa.gov)

**RIN:** 2070-AD48

**2926. LEAD-BASED PAINT; AMENDMENTS TO THE REQUIREMENTS FOR DISCLOSURE OF KNOWN LEAD-BASED PAINT OR LEAD-BASED PAINT HAZARDS IN TARGET HOUSING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4852d

**CFR Citation:** 40 CFR 745.100; 40 CFR 745.101; 40 CFR 745.102; 40 CFR 745.103; 40 CFR 745.107; 40 CFR 745.110; 40 CFR 745.113; 40 CFR 745.115; 40 CFR 745.118; 40 CFR 745.119

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Organizations

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

**Additional Information:** SAN No. 4777

**Sectors Affected:** 92511

Administration of Housing Programs;

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

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

**URL For More Information:**

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

**Agency Contact:** Cindy Wheeler, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-0484

Fax: 202 566-0471

Email: [wheeler.cindy@epa.gov](mailto:wheeler.cindy@epa.gov)

John Wilkins, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-0477

Fax: 202 566-0471

Email: [wilkins.john@epa.gov](mailto:wilkins.john@epa.gov)

**RIN:** 2070-AD64

### 2927. TSCA INVENTORY NOMENCLATURE FOR ENZYMES AND PROTEINS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2607

**CFR Citation:** 40 CFR 720.45

**Legal Deadline:** None

**Abstract:** In an Advance Notice of Proposed Rulemaking (ANPRM) issued in November 2004, EPA announced and sought comment on whether it should establish new procedures and regulations for naming enzymes and proteins when listing such substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory (TSCA Inventory). The ANPRM outlined four identification elements that EPA currently believes are appropriate for use in developing unique TSCA Inventory nomenclature for proteinaceous enzymes. The Agency also solicited public comment on several specific questions relating to this topic. EPA is currently evaluating the comments received and is developing a proposed rulemaking.

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| ANPRM  | 11/15/04 | 69 FR 65565 |
| NPRM   | 12/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4878; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2004/November/Day-15/t25307.htm>; EPA Docket information: EPA-HQ-OPPT-2003-0058

**Agency Contact:** Greg Fritz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8583

Fax: 202 564-9490

Email: [fritz.greg@epa.gov](mailto:fritz.greg@epa.gov)

Loraine Passe, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7406M, Washington, DC 20460

Phone: 202 564-9064

Email: [passe.loraine@epa.gov](mailto:passe.loraine@epa.gov)

**RIN:** 2070-AJ04

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 720

**Legal Deadline:** None

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

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4975

**Agency Contact:** James Vinch, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-1256

Fax: 202 564-1256

Email: [vinch.james@epa.gov](mailto:vinch.james@epa.gov)

**RIN:** 2070-AJ15

### 2929. CLARIFICATION ON GUIDANCE FOR ACTIVATED PHOSPHORS

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

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 720

**Legal Deadline:** None

**Abstract:** EPA is developing guidance to clarify the chemical identification of activated phosphors for purposes of the Toxic Substances Control Act (TSCA) Chemical Substance Inventory (TSCA Inventory). Specifically, the Agency is developing guidance to clarify that an activated phosphors not currently listed on the TSCA Inventory is considered a new chemical under TSCA. Prior to initiating the manufacture or import of a new chemical, TSCA section 5 requires a company to submit a premanufacture notice (PMN) to EPA. Apparently this has not been clear and

## EPA—Toxic Substances Control Act (TSCA)

Proposed Rule Stage

several firms have initiated the manufacture of activated phosphor materials that are not listed on the TSCA Inventory without having submitted the required PMN. EPA intends to seek public comment on draft guidance in this area to ensure that the necessary clarity is provided.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| Notice | 07/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4984

**Agency Contact:** David Schutz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
Phone: 202 564-9262

Fax: 202 564-9262  
Email: schutz.david@epa.gov

Miriam Wigganslewis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
Phone: 202 564-9373  
Fax: 202 564-9262  
Email: wigganslewis.miriam@epa.gov

**RIN:** 2070-AJ21Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)

Final Rule Stage

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

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

**Timetable:**

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

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

|                            |          |             |
|----------------------------|----------|-------------|
| NPRM                       | 03/09/94 | 59 FR 11122 |
| Notice: Withdrawal of NPRM | 05/00/07 |             |

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

**Additional Information:** SAN No. 3252; EPA publication information: NPRM—Proposed Ban of Fishing Sinkers

**URL For More Information:**  
<http://www.epa.gov/oppt/lead/>

**Agency Contact:** Doreen Cantor, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460  
Phone: 202 566-0486  
Fax: 202 566-0471  
Email: cantor.doreen@epa.gov

Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460  
Phone: 202 566-1980  
Fax: 202 566-0471  
Email: simpson.julie@epa.gov

**RIN:** 2070-AC21**2931. AMENDMENT TO THE PREMANUFACTURE NOTIFICATION EXEMPTIONS; REVISIONS OF EXEMPTIONS FOR POLYMERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2604**CFR Citation:** 40 CFR 723**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

## EPA—Toxic Substances Control Act (TSCA)

## Final Rule Stage

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4635; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/March/Day-07/t2152.pdf>;

**Sectors Affected:** 325 Chemical Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 326 Plastics and Rubber Products Manufacturing

**Agency Contact:** Geraldine Hilton, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8986

Fax: 202 564-9490

Email: [hilton.geraldine@epa.gov](mailto:hilton.geraldine@epa.gov)

Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
Phone: 202 564-9138  
Fax: 202 564-9490  
Email: [cool.rebecca@epamail.epa.gov](mailto:cool.rebecca@epamail.epa.gov)

**RIN:** 2070-AD58

### 2932. SIGNIFICANT NEW USE RULES (SNURS); FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 "TSCA 5"

**CFR Citation:** 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3 to 4 times per year. Chemicals that were subject to a proposed SNUR before the effective

date of the EFUR, or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

#### Timetable:

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| NPRM: 84-1056  | 06/11/86 | 51 FR 21199 |
| NPRM: 86-566   | 12/08/87 | 52 FR 46496 |
| NPRM: Aluminum Cross-Linked Sodium Carboxy methylcellulose         | 06/11/93 | 58 FR 32628 |
| Final Action: 84-1056  | 12/00/07 |             |
| Final Action: 86-566   | 12/00/07 |             |
| Final Action: Aluminum Cross-Linked Sodium Carboxy methylcellulose | 12/00/07 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 1976; EPA publication information: NPRM: 84-1056-Alkyl & Sulfonic Acid & Ammonium Salt (84-1056);

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

#### URL For More Information:

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

**Agency Contact:** Karen Chu, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8773

Fax: 202 564-9490

Email: [chu.karen@epa.gov](mailto:chu.karen@epa.gov)

Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-9138

Fax: 202 564-9490

Email: [cool.rebecca@epamail.epa.gov](mailto:cool.rebecca@epamail.epa.gov)

**RIN:** 2070-AA59

### 2933. SIGNIFICANT NEW USE RULE (SNUR); CHEMICAL-SPECIFIC SNURS TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 721

**Legal Deadline:** None

**Abstract:** When the Agency determines that uncontrolled manufacture, import, processing, distribution, use, or disposal of a premanufacture notification (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can manufacture, import, or process the substance without controls. Therefore, EPA extends the controls to apply to others by designating manufacture, import, or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA routinely publishes batch SNURs containing routine section 5(e) and non-5(e) SNURs. However, certain activities, such as modifications, withdrawals, revocations, and SNURs upon which comments are received in the direct final publication process, are subject to full notice and comment procedures and are listed below.

#### Timetable:

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| NPRM: Aromatic Amino Ether (P90-1840)                               | 06/06/94 | 59 FR 29255 |
| NPRM: Alkenyl Ether of Alkanetriol Polymer (93-458)                 | 12/19/94 | 59 FR 65289 |
| NPRM: Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297) | 06/26/97 | 62 FR 34421 |
| Direct Final Rule: Certain Chemical Substances Batch FY06-1         | 10/06/06 | 71 FR 59066 |
| Direct Final Rule: Certain Chemical Substances, Batch FY07-1        | 03/29/07 | 72 FR 14681 |
| Direct Final Rule: Certain Chemical Substances, Batch FY07-2        | 05/00/07 |             |
| Final Action: Alkenyl Ether of Alkanetriol Polymer (93-458)         | 12/00/07 |             |
| Final Action: Aromatic Amino Ether (P90-1840)                       | 12/00/07 |             |

#### Regulatory Flexibility Analysis

**Required:** No

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3495; EPA publication information: Direct Final Action: SNUR Revocation - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/October/Day-06/t16574.htm>;**Sectors Affected:** 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing**URL For More Information:**<http://www.epa.gov/opptintr/newchems/cnosnurs.htm>**Agency Contact:** Karen Chu, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8773

Fax: 202 564-9490

Email: [chu.karen@epa.gov](mailto:chu.karen@epa.gov)

Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-9138

Fax: 202 564-9490

Email: [cool.rebecca@epamail.epa.gov](mailto:cool.rebecca@epamail.epa.gov)**RIN:** 2070-AB27**2934. SIGNIFICANT NEW USE RULE (SNUR); MERCURY SWITCHES IN MOTOR VEHICLES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604**CFR Citation:** 40 CFR 721**Legal Deadline:** None**Abstract:** EPA proposed a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for mercury used in convenience light switches, anti-lock braking system (ABS) sensors, and active ride control sensors in motor vehicles. This action would require persons who intend to manufacture, import, or process mercury for these uses, including when mercury is imported or processed as part of an article, to notify EPA at least 90 days before commencing such activity. The required notice would provide EPA with the opportunity to evaluate the use of mercury in these switches, and, if necessary, to prohibit or limit such activity before it occurs to prevent unreasonable risk of injury to human health or the environment.**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 07/11/06 | 71 FR 39035 |
| Final Action | 05/00/07 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4983; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/July/Day-11/t10858.pdf>;**Sectors Affected:** 335931 Current-Carrying Wiring Device Manufacturing; 3363 Motor Vehicle Parts Manufacturing**Agency Contact:** Benjamin Lim, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-0482

Fax: 202 566-0469

Email: [lim.benjamin@epamail.epa.gov](mailto:lim.benjamin@epamail.epa.gov)

Nancy Wilson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-0492

Email: [wilson.nancy@epa.gov](mailto:wilson.nancy@epa.gov)**RIN:** 2070-AJ19**2935. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(a) "TSCA 8(a)"**CFR Citation:** 40 CFR 712**Legal Deadline:** None**Abstract:** These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production,

import, and/or processing of these substances and the avenues of human and environmental exposure to these substances.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 2178; EPA publication information: Final 51st ITC List-51st ITC List;**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Joseph Nash, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8886

Fax: 202 564-4765

Email: [nash.joseph@epa.gov](mailto:nash.joseph@epa.gov)

Gerry Brown, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8086

Fax: 202 564-4765

Email: [brown.jerry@epa.gov](mailto:brown.jerry@epa.gov)**RIN:** 2070-AB08**2936. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(d) "TSCA 8(d)"**CFR Citation:** 40 CFR 716**Legal Deadline:** None**Abstract:** These rules require chemical manufacturers, importers, and processors to submit unpublished health and safety data on chemicals added to the Toxic Substances Control

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

Act (TSCA) section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee (ITC). The Regulatory Agenda identifies the most recent rules and any anticipated rules.

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

**Additional Information:** SAN No. 1139; EPA publication information: Final: 55th and 56th ITC Lists - <http://www.epa.gov/fedrgrstr/EPA-TOX/2006/August/Day-16/t13489.htm>

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

**URL For More Information:**

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

**Agency Contact:** Joe Nash, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8886

Fax: 202 564-4765

Email: [nash.joseph@epa.gov](mailto:nash.joseph@epa.gov)

Gerry Brown, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8086

Fax: 202 564-4765

Email: [brown.jerry@epa.gov](mailto:brown.jerry@epa.gov)

RIN: 2070-AB11

### 2937. VOLUNTARY HIGH PRODUCTION VOLUME (HPV) CHEMICAL CHALLENGE PROGRAM

Priority: Other Significant

**Legal Authority:** 15 USC 2601 et seq (TSCA)

**CFR Citation:** None**Legal Deadline:** None

**Abstract:** One of the key components of the Chemical Right-to-Know (ChemRTK) Initiative is the HPV Challenge Program. The goal of this program is to ensure that a baseline set of health and environmental effects data on approximately 2,800 high production volume (HPV) chemicals is made available to EPA and the public. U.S. HPV chemicals are industrial chemicals that are manufactured or imported into the United States in volumes of 1 million pounds or more per year. U.S. Manufacturers and importers of HPV chemicals were invited to voluntarily sponsor chemicals in the HPV Challenge Program. Sponsorship entails the identification and initial assessment of the adequacy of existing information, the conduct of new testing only if adequate information does not exist, and making the new and existing test results available to the public. The Agency is considering specific chemicals which are not voluntarily sponsored in the HPV Challenge Program as candidates for rules under section 4 and 8 of the Toxic Substances Control Act (TSCA). Although this Initiative is not a rulemaking, EPA has included it in the Regulatory Agenda to inform the public.

**Timetable:**

| Action         | Date     | FR Cite     |
|----------------|----------|-------------|
| Notice         | 12/26/00 | 65 FR 81686 |
| Notice: Status | 06/00/07 |             |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

**Additional Information:** SAN No. 4176; EPA publication information: Notice-Data Collection and Development on HPV Chemicals; See also items identified under the following RINs 2070-AD09; 2070-AD38; RIN 2070-AD16; RIN 2070-AC27.

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

**URL For More Information:**

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

**Agency Contact:** Diane Sheridan, Environmental Protection Agency, Office of Prevention, Pesticides and

Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8176

Fax: 202 564-4775

Email: [sheridan.diane@epamail.epa.gov](mailto:sheridan.diane@epamail.epa.gov)

Abeer Hashem, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-3128

Fax: 202 564-4775

Email: [hashen.abeer@epa.gov](mailto:hashen.abeer@epa.gov)

RIN: 2070-AD25

### 2938. TESTING AGREEMENT FOR DIETHANOLAMINE

Priority: Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical; (2) the available data to evaluate the chemical are inadequate; and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (HAPs), including diethanolamine (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Alkanolamines Panel submitted a proposal on November 25, 1996, for alternative testing involving PK studies. ORD/NCEA performed a technical analysis of the proposal in November of 1997. A public meeting was held on February 24, 1998. The Alkanolamines Panel of ACC has submitted three update letters, one in April 1999, one in May of 2003 and one in January of 2005. Under this action, EPA will continue negotiations to develop an ECA that will provide health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Timetable:**

| Action                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Final Action: ECA and Consent Order | 12/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.4**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
 Phone: 202 564-8469  
 Fax: 202 564-4765  
 Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

Richard Leukroth, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
 Phone: 202 564-8167  
 Fax: 202 564-8167  
 Email: [leukroth.rich@epa.gov](mailto:leukroth.rich@epa.gov)

**RIN:** 2070-AJ09**2939. TESTING AGREEMENT FOR HYDROGEN FLUORIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 "TSCA 4"**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical; (2) the available data to evaluate the chemical are inadequate; and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (HAPs), including hydrogen fluoride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Hydrogen Fluoride (HF) Panel submitted a proposal for alternative testing involving PK studies for HF on November 27, 1996. EPA responded to this proposal by letter on June 26, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action,

EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Timetable:**

| Action                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Final Action: ECA and Consent Order | 12/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.5**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
 Phone: 202 564-8469  
 Fax: 202 564-4765  
 Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

Richard Leukroth, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
 Phone: 202 564-8167  
 Fax: 202 564-8167  
 Email: [leukroth.rich@epa.gov](mailto:leukroth.rich@epa.gov)  
**RIN:** 2070-AJ10

**2940. TESTING AGREEMENT FOR PHTHALIC ANHYDRIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 "TSCA 4"**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical; (2) the available data to evaluate the chemical are inadequate;

## EPA—Toxic Substances Control Act (TSCA)

## Final Rule Stage

and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (HAPs), including phthalic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Phthalic Anhydride (PA) Panel submitted a proposal for alternative testing involving PK studies for PA on November 22, 1996. EPA responded to this proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Timetable:**

| Action            | Date     | FR Cite |
|-------------------|----------|---------|
| Final Action: ECA | 12/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.7**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides andToxic Substances, 7405M, Washington, DC 20460  
Phone: 202 564-8469  
Fax: 202 564-4765  
Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

Richard Leukroth, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8167  
Fax: 202 564-8167  
Email: [leukroth.rich@epa.gov](mailto:leukroth.rich@epa.gov)**RIN:** 2070-AJ11**2941. TESTING AGREEMENT FOR MALEIC ANHYDRIDE****Priority:** Other Significant**Legal Authority:** 15 USC 2603 "TSCA 4"**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical; (2) the available data to evaluate the chemical are inadequate; and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (HAPs), including maleic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed

HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Maleic Anhydride (MA) Panel submitted a proposal for alternative testing involving PK studies for MA on November 8, 1996. EPA responded to the Panel's proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Timetable:**

| Action                              | Date     | FR Cite |
|-------------------------------------|----------|---------|
| Final Action: ECA and Consent Order | 12/00/07 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.6**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460Phone: 202 564-8469  
Fax: 202 564-4765  
Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

Richard Leukroth, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8167  
Fax: 202 564-8167  
Email: [leukroth.rich@epa.gov](mailto:leukroth.rich@epa.gov)**RIN:** 2070-AJ13**2942. SIGNIFICANT NEW USE RULE; PERFLUOROALKYL SULFONATES (PFAS)****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604; 15 USC 2607; 15 USC 2625

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

**CFR Citation:** 40 CFR 721.9582 (Amended)

**Legal Deadline:** None

**Abstract:** EPA is proposing to amend a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for certain perfluoroalkyl sulfonates (PFAS) substances that were not addressed by the previous PFAS SNURs (67 FR 11008, March 11, 2002; 67 FR 72854, December 9, 2002), codified at 40 CFR 721.9582. EPA is proposing to amend the PFAS SNUR at 40 CFR 721.9582 by adding a new table 3 containing all PFAS chemicals currently on the TSCA Inventory but not already subject to the PFAS SNUR. This proposed rule would require manufacturers, including importers, to notify EPA at least 90 days before commencing the manufacture or import of these chemical substances for the significant new uses described in this document. EPA believes that this action is necessary because the PFAS component of these chemical substances may be hazardous to human health and the environment. The required notice will provide EPA the opportunity to evaluate intended significant new uses and associated activities before they occur and, if necessary, to prohibit or limit those activities.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/10/06 | 71 FR 12311 |
| Final Action | 08/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4974; EPA publication information: NPRM - <http://www.epa.gov/EPA-TOX/2006/March/Day-10/t3444.htm>; EPA Docket information: EPA-HQ-OPPT-2005-0015

**URL For More Information:**

[www.epa.gov/opptintr/newchems/cnosnurs.htm](http://www.epa.gov/opptintr/newchems/cnosnurs.htm)

**Agency Contact:** Amy Breedlove, Environmental Protection Agency,

Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-9823

Fax: 202 564-4775

Email: [breedlove.amy@epa.gov](mailto:breedlove.amy@epa.gov)

Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8974

Fax: 202 564-9490

Email: [alwood.jim@epa.gov](mailto:alwood.jim@epa.gov)

**RIN:** 2070-AJ18

**2943. SIGNIFICANT NEW USE RULE FOR CHLORANIL**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 "TSCA 5"; 15 USC 2607 "TSCA 8"

**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

**Legal Deadline:** None

**Abstract:** Chloranil is used as a basic feedstock for certain dyes and pigments and in the production of rubber tires. Chloranil was one of the chemicals identified for testing in the Dioxin/Furan (D/F) test rule. Early testing results revealed that dioxin levels in Chloranil could vary by more than two orders of magnitude depending on the chemical manufacturing process involved. It appeared that the "low dioxin" manufacturing process could produce Chloranil with dioxin contamination levels below 20 ppb TEQ. Based on this information, EPA entered into a formal agreement with Chloranil importers (there was no domestic production of "high dioxin" Chloranil) to only import Chloranil made through the "low dioxin" process. As a followup to this agreement, a Chloranil Significant New Use Rule (SNUR) was proposed in 1993. Under the provisions of the draft SNUR, any Chloranil imported or domestically produced with dioxin contamination levels greater than 20 ppb TEQ would be considered a new use and require reporting under section 5(a)(1)(A) of the Toxic Substances

Control Act. In the SNUR proposal, EPA stated that it would not promulgate a final rule until it had all of the D/F test rule data. EPA accepted the final test rule data in June of 2001. The test rule requirements continue to apply to any new manufacturer or importer of Chloranil. No new importer or manufacturer has identified themselves, although EPA has received inquiries from time to time about the applicability of the test rule to new imports. OPPT therefore believes that all importation of Chloranil is still covered under the formal agreements and that there is no current import or domestic manufacture of high dioxin Chloranil. Because a significant time has passed since the proposal OPPT is considering the options of reproposeing the rule, reopening the comment period, and proceeding directly to developing a final rule.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 05/12/93 | 58 FR 28000 |
| Final Action | 10/00/07 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 1923.1; Split from RIN 2070-AA58.

**Agency Contact:** Dwain Winters, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-1977

Fax: 202 566-0470

Email: [winters.dwain@epa.gov](mailto:winters.dwain@epa.gov)

Brian Symmes, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-1983

Fax: 202 566-0470

Email: [symmes.brian@epa.gov](mailto:symmes.brian@epa.gov)

**RIN:** 2070-AJ31

**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)**
**Long-Term Actions**
**2944. ASBESTOS MODEL  
ACCREDITATION PLAN REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2646 "TSCA 206"

**CFR Citation:** 40 CFR 763

**Legal Deadline:** Final, Statutory, November 28, 1992.

**Abstract:** The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan (MAP) to extend training and accreditation requirements to include persons performing certain asbestos-related work in public or commercial buildings, to increase the minimum number of training hours required for accreditation purposes, and to effect other changes necessary to implement the amendments. On February 3, 1994, EPA issued an interim final rule to revise the asbestos MAP to clarify the types of persons who must be accredited to work with asbestos in schools and public or commercial buildings; to increase the minimum number of hours of training for asbestos abatement workers and contractor/supervisors, including additional hours of hands-on health and safety training; and to effect a variety of other necessary changes as mandated by section 15(a)(3) of the ASHARA. This interim final rule satisfied the statutory deadline. EPA will continue to consider finalizing the MAP rule and/or promulgating regulatory revisions to sunset current EPA MAP accreditations granted to training providers.

**Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Model Plan           | 05/13/92 | 57 FR 20438 |
| Interim Final Action | 02/03/94 | 59 FR 5236  |
| Final Action         | 05/00/09 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3148

**Sectors Affected:** 611519 Other Technical and Trade Schools

**URL For More Information:**

<http://www.epa.gov/asbestos/>

**Agency Contact:** Robert Courtnage, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460  
Phone: 202 566-1081  
Fax: 202 566-0473  
Email: courtnage.robert@epamail.epa.gov

Shiela Canavan, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460  
Phone: 202 566-1980  
Email: canavan.shiela@epa.gov

**RIN:** 2070-AC51

**2945. LEAD-BASED PAINT  
ACTIVITIES; BRIDGES AND  
STRUCTURES; TRAINING,  
ACCREDITATION, AND  
CERTIFICATION RULE AND MODEL  
STATE PLAN RULE**

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

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

**Legal Authority:** 15 USC 2682; 15 USC 2684; PL 102-550 sec 402; PL 102-550 sec 404

**CFR Citation:** 40 CFR 745

**Legal Deadline:** Final, Statutory, April 28, 1994.

**Abstract:** The Residential Lead-Based Paint Hazard Reduction Act of 1992 mandates EPA promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program, which may be adopted by any State that seeks to administer and enforce a State Program. EPA promulgated regulations for LBP activities in target housing and child-occupied facilities as well as training and certification of training programs for LBP activities in 1996 (see 40 CFR 745). Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/09 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

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

**Additional Information:** SAN No. 4376

**Sectors Affected:** 23411 Highway and Street Construction; 611519 Other Technical and Trade Schools

**URL For More Information:**

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

**Agency Contact:** Cindy Wheeler, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-0484

Fax: 202 566-0471

Email: wheeler.cindy@epa.gov

Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-1980

Fax: 202 566-0471

Email: simpson.julie@epa.gov

**RIN:** 2070-AC64

**2946. LEAD-BASED PAINT  
ACTIVITIES; AMENDMENTS FOR  
RENOVATION, REPAIR, AND  
PAINTING**

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

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

**Legal Authority:** 15 USC 2682 and 2684 (TSCA sec 402 and 404)

**CFR Citation:** 40 CFR 745

**Legal Deadline:** Final, Statutory, October 28, 1996.

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

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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

**Timetable:**

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| NPRM   | 01/10/06 | 71 FR 1588  |
| Notice of Availability; Supplemental Economic Analysis | 03/02/06 | 71 FR 10628 |
| Notice of Availability; Draft Pamphlet                 | 03/08/06 | 71 FR 11570 |
| Request for Comment; Lead Paint Test Kit Development   | 03/16/06 | 71 FR 13561 |
| NPRM: Extension of Comment Period                      | 04/06/06 | 71 FR 17409 |
| Notice of Availability; Study Results                  | 03/12/07 | 72 FR 12582 |
| Final Action   | 06/00/08 |             |

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

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

**Sectors Affected:** 23599 All Other Special Trade Contractors; 23551 Carpentry Contractors; 53111 Lessors of Residential Buildings and Dwellings; 23322 Multifamily Housing Construction; 23521 Painting and Wall Covering Contractors; 531311 Residential Property Managers; 23321 Single Family Housing Construction; 54138 Testing Laboratories

**URL For More Information:**

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

**Agency Contact:** Mike Wilson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-0521  
Fax: 202 566-0471  
Email: [wilson.mike@epa.gov](mailto:wilson.mike@epa.gov)

Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-1980  
Fax: 202 566-0471  
Email: [simpson.julie@epa.gov](mailto:simpson.julie@epa.gov)

**RIN:** 2070-AC83

**2947. POLYCHLORINATED BIPHENYLS (PCBS); DISPOSAL OF PCBS; IMPLEMENTATION ISSUES**

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

**Legal Authority:** 15 USC 2605(e) "TSCA 6"

**CFR Citation:** 40 CFR 761 (Revision)

**Legal Deadline:** None

**Abstract:** This proposed regulation will clarify and expand on implementation issues that have arisen as a result of the publication of the 1998 PCB Disposal Amendments (63 FR 35384). Topics will include but not be limited to, Use Authorizations, Public Participation Process, Appeals Process, Natural Gas Pipelines, Testing and Analysis, Manifesting of PCB Waste, Publication Process for Validated Alternate Decontamination Solvents, and PCB Analytical Methods and Storage of Dedicated PCB Equipment. The action to authorize certain non-liquid PCB applications is also included in this action.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 10/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 4597

**Sectors Affected:** 31-33 Manufacturing; 81 Other Services (except Public Administration); 54 Professional, Scientific and Technical Services; 92 Public Administration; 53 Real Estate and Rental and Leasing; 48-49

Transportation; 22 Utilities; 562 Waste Management and Remediation Services

**URL For More Information:**

[www.epa.gov/pcb](http://www.epa.gov/pcb)

**Agency Contact:** Sara McGurk, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-0480  
Fax: 202 566-0473  
Email: [mcgurk.sara@epamail.epa.gov](mailto:mcgurk.sara@epamail.epa.gov)

Peter Gimlin, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-0515  
Fax: 202 566-0473  
Email: [gimlin.peter@epamail.epa.gov](mailto:gimlin.peter@epamail.epa.gov)

**RIN:** 2070-AD52

**2948. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 790-799

**Legal Deadline:** None

**Abstract:** EPA is developing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of four chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. In addition, this action would require manufacturers and processors to develop data for these chemicals that will be used by EPA under the Clean Air Act (CAA) to evaluate residual risks from hazardous air pollutants (HAPs) on the list of HAPs in the CAA under section 112(f), 42 U.S.C. 7412(f) and sections 112(d and e). Data from this action would also be used to support implementation of several provisions of section 112 of the CAA, including determining risks remaining after the application of technology-based standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed (delisted) from section (b)(1) of the CAA list of HAPs.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

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

**URL For More Information:**

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

**Agency Contact:** Robert Jones, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8161

Fax: 202 564-4765

Email: [jones.robert@epamail.epa.gov](mailto:jones.robert@epamail.epa.gov)

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8469

Fax: 202 564-4765

Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

**RIN:** 2070-AB79

**2949. FUTURE TESTING FOR EXISTING CHEMICALS (OVERVIEW ENTRY)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 "TSCA 4"; 15 USC 2611 "TSCA 12"

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

**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced and enters the environment in substantial quantities, or there is or may be significant or substantial human exposure to the chemical; (2) the available data to evaluate the chemical are inadequate; and (3) testing is needed to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. For chemicals that have been designated for priority testing consideration by the Interagency Testing Committee (ITC) the Agency will consider whether to require testing of the chemical through rulemaking or ECA or will publish a notice which provides the reasons for not doing so in the case of a particular chemical (such reasons may involve the existence of a VTA). The Agency may also consider test rules, ECAs, or VTAs for chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes. This regulatory agenda entry is considered a "generic entry" because it is intended to alert the public that

within the next 6 months the Agency may consider other chemicals for test rules, ECAs, or VTAs that are not yet identified. A separate activity-specific entry will be included in the regulatory agenda once the Agency decides to develop a test rule, ECA, or VTA.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| ANPRM  | 08/00/08 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493; EPA publication information: ANPRM-Placeholder for potential new action in next 6 months.

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

**URL For More Information:**

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

**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8469

Fax: 202 564-4765

Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

**RIN:** 2070-AB94

**2950. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCEP)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2601 et seq (TSCA)

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This is a voluntary program to evaluate commercial chemicals to which children may have a high likelihood of exposure. Designed with extensive stakeholder participation, the purpose of this voluntary program is to obtain toxicity and exposure data needed to assess the risk of childhood exposure to commercial chemicals. EPA launched a pilot of this program on December 26, 2000. Manufacturers of 20 of the 23 pilot chemicals have volunteered to sponsor their chemicals in tier 1 in the pilot. A workshop was held in December 2001 to provide sponsors with additional guidance on the scope and content of the exposure

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

assessments they will prepare. A peer consultation process is being used to evaluate the scientific merits of the hazard, exposure, and risk assessments submitted by sponsors. Assessments for nine chemicals have been evaluated in the peer consultation process. Information on VCCEP and the chemical assessments submitted to date are available to the public at [www.epa.gov/chemrtk/vccep1](http://www.epa.gov/chemrtk/vccep1). Although not currently involving a rulemaking, EPA has included this pilot program in the Regulatory Agenda to inform the public about activities like this related to its chemical testing program.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4876

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

**URL For More Information:**

[www.epa.gov/chemrtk/vccep](http://www.epa.gov/chemrtk/vccep)

**Agency Contact:** Ward Penberthy, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
Phone: 202 564-8171  
Fax: 202 564-4765  
Email: [penberthy.ward@epa.gov](mailto:penberthy.ward@epa.gov)

Catherine Roman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
Phone: 202 564-8172  
Fax: 202 564-4765  
Email: [roman.catherine@epamail.epa.gov](mailto:roman.catherine@epamail.epa.gov)

**RIN:** 2070-AC27

**2951. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the Right-To-Know program, given the large release of these chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112, EPA must identify the health and environmental effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required to conduct a research program on the short- and long-term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3487

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

**URL For More Information:**

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

**Agency Contact:** Rich Leukroth, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8167

Fax: 202 564-4765

Email: [leukroth.rich@epa.gov](mailto:leukroth.rich@epa.gov)

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8469

Fax: 202 564-4765

Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

**RIN:** 2070-AC76

**2952. TEST RULE; CERTAIN METALS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3882

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

**URL For More Information:**

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

**Agency Contact:** Robert Jones, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8161

Fax: 202 564-4765

Email: [jones.robert@epamail.epa.gov](mailto:jones.robert@epamail.epa.gov)

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8469

Fax: 202 564-4765

Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

**RIN:** 2070-AD10

**2953. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** EPA's Office of Air and Radiation (OAR), in the administration of section 211 of the Clean Air Act (CAA), has requested that OPPT use its TSCA section 4 testing authority to obtain health effects data on a number of Oxygenated Fuel Additives (OFAs). These data are needed by EPA and

others to increase understanding of the toxicity of these substances individually and in comparison to each other as well as to other OFAs such as methyl t-butyl ether (MTBE). EPA will be soliciting interested parties to work on an Enforceable Consent Agreement (ECA) under TSCA section 4, through which responsible parties can agree to provide data to EPA. Although not currently a rulemaking, EPA is including this in the Regulatory Agenda to inform the public of this activity, which will have a regulatory impact once an ECA or other testing action is proposed.

**Timetable:**

| Action                          | Date  | FR Cite    |
|---------------------------------|-------|------------|
| Notice Soliciting Participation | To Be | Determined |
| Final: ECA and Consent Order    | To Be | Determined |

Final: ECA and Consent Order

Final: ECA and Consent Order

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4174; EPA publication information: Notice Soliciting Participation-Solicit Interested Parties

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

**URL For More Information:**

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

**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8469

Fax: 202 564-4765

Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

**RIN:** 2070-AD28

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4395

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

**URL For More Information:**

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

**Agency Contact:** Catherine Roman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8172

Fax: 202 564-4765

Email:

[roman.catherine@epamail.epa.gov](mailto:roman.catherine@epamail.epa.gov)

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8469

Fax: 202 564-4765

Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)

**RIN:** 2070-AD44

**2955. FOLLOW-UP RULES ON EXISTING CHEMICALS**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 "TSCA 5"; 15 USC 2607 "TSCA 8"

**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 1923

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

**Agency Contact:** Diane Sheridan, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
Phone: 202 564-8176  
Fax: 202 564-4775  
Email: sheridan.diane@epamail.epa.gov

Amy Breedlove, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-9823  
Fax: 202 564-4775  
Email: breedlove.amy@epa.gov

**RIN:** 2070-AA58

**2956. SIGNIFICANT NEW USE RULE (SNUR); REFRACTORY CERAMIC FIBERS (RCFS)**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 "TSCA 5"; 15 USC 2605 "TSCA 6"

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 6 to require reporting by the manufacturers, importers, and/or processors of these chemicals.

**Timetable:**

| Action               | Date                 | FR Cite     |
|----------------------|----------------------|-------------|
| NPRM<br>Final Action | 03/21/94<br>09/00/08 | 59 FR 13294 |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3528

**Sectors Affected:** 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

**Agency Contact:** Robert Courtneage, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460  
Phone: 202 566-1081  
Fax: 202 566-0473  
Email: courtneage.robert@epamail.epa.gov

Peter Gimlin, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460  
Phone: 202 566-0515  
Fax: 202 566-0473  
Email: gimlin.peter@epamail.epa.gov

**RIN:** 2070-AC37

**2957. TSCA POLICY STATEMENT ON OVERSIGHT OF TRANSGENIC ORGANISMS (INCLUDING PLANTS)**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 720

**Legal Deadline:** None

**Abstract:** As a follow up to the final Biotechnology Rule under the Toxic Substances Control Act (TSCA) EPA intends to address TSCA oversight of transgenic plants and other organisms.

Recent information indicates that transgenic plants and other organisms are being developed for uses which appear to be subject to TSCA jurisdiction. For example, plants are being genetically modified to produce industrial grade, rather than food grade, oils. Many of these plants are subject to oversight by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture while being tested in the environment. Following APHIS approval of a petition for non-regulated status filed pursuant to APHIS' regulations implementing the Federal Plant Pest Act at 7 CFR part 340, however, these plants cease to be subject to regulation by USDA. Additionally, transgenic animals that are not under the jurisdiction of FDA appear to be subject to TSCA. Such animals may be genetically improved livestock for commercial purposes. The policy statement would address whether EPA should exercise jurisdiction under TSCA over such transgenic organisms prior to their commercial use.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4598

**Agency Contact:** Flora Chow, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8983  
Fax: 202 564-9062  
Email: chow.flora@epamail.epa.gov

Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-9138  
Fax: 202 564-9490  
Email: cool.rebecca@epamail.epa.gov

**RIN:** 2070-AD53

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**2958. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTION REQUEST FROM U.S. MARITIME ADMINISTRATION (MARAD)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2605 "TSCA 6(e)(3)(B)"**CFR Citation:** 40 CFR 761**Legal Deadline:** None

**Abstract:** The U.S. Maritime Administration (MARAD) is responsible for disposing of surplus Navy non-combatant ships; many of these ships contain polychlorinated biphenyls (PCBs) in electrical equipment, and are contaminated with greater than 50 ppm PCBs in paint, gaskets, and cable that cannot be easily removed. In 2003, MARAD exported four surplus ships to a shipyard in the United Kingdom, Able UK, for scrapping; however, the planned export of an additional nine ships had been prevented by a temporary restraining order issued by the U.S. District Court for DC. Although EPA issued a letter of enforcement discretion in May 2003, on July 29, 2004, MARAD submitted a partial petition for an export ban exemption under TSCA 6(e)(3) (B). Upon receipt of a completed petition, perhaps sometime in 2008, the Agency will conclude its review. EPA can grant these petitions through notice-and-comment rulemaking for a period of up to 1 year, provided it can make a finding of no unreasonable risk and good faith efforts to find substitutes.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 2150.1; Split from RIN 2070-AB20. EPA Docket information: EPA-HQ-OPPT-2004-0107**URL For More Information:**

www.epa.gov/pcb/

**Agency Contact:** Peter Gimlin, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-0515

Fax: 202 566-0473

Email: gimlin.peter@epamail.epa.gov

Lynn Vendinello, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202 566-0514

Fax: 202 566-0473

Email:

vendinello.lynn@epamail.epa.gov

**RIN:** 2070-AJ05**2959. TESTING AGREEMENT FOR PERFLUOROOCCTANOIC ACID (PFOA)****Priority:** Other Significant**Legal Authority:** 15 USC 2603 "TSCA 4"**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** PFOA is a synthetic (man-made) chemical that does not occur naturally in the environment. EPA identified data gaps regarding the sources and exposure pathways of PFOA and is seeking additional data concerning the potential relationship between fluoropolymer and fluorotelomer based polymer chemicals and PFOA. EPA has invited interested parties to monitor and participate in negotiations for developing several industry sponsored testing programs concerning fluoropolymers and fluorotelomer based polymers which may metabolize or degrade to PFOA. These testing programs would be set in place preferably as publicly negotiated enforceable consent agreements (ECAs) under section 4 of the Toxic Substances Control Act (TSCA) among EPA, industry, and interested parties under section 4 of TSCA, but may also be established as negotiated memoranda of understanding (MOUs) where circumstances preclude moving forward under ECAs. The goal of the PFOA ECA process is to better understand the sources and exposure pathways leading to the presence of PFOA in humans and the environment.

**Timetable:**

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

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.1; EPA publication information: Final: ECA and CO for Fluorotelomer-based Polymer Chemicals Incineration - <http://www.epa.gov/fedrgstr/EPA-TOX/2005/July/Day-08/t13492.htm>; EPA Docket information: OPPT-2003-0012**URL For More Information:**<http://www.epa.gov/oppt/pfoa/index.htm>**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8469

Fax: 202 564-4765

Email: schweer.greg@epamail.epa.gov

Rich Leukroth, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8167

Fax: 202 564-4765

Email: leukroth.rich@epa.gov

**RIN:** 2070-AJ06**2960. TESTING AGREEMENT FOR ARYL PHOSPHATES (ITC LIST 2)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 TSCA 4**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** On January, 17, 1972 (57 FR 2138), EPA published a proposed TSCA section 4 test rule covering a number of aryl phosphate base stocks. On March 30, 1993, EPA announced initiation of negotiations with the Aryl Phosphates Panel of the Chemical

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

Manufacturers Association (now the American Chemistry Council or ACC) to develop a TSCA section 4 Enforceable Consent Agreement (ECA) for aryl phosphate base stocks as an alternative approach to testing under the proposed rule (58 FR 16669). On October 9, 1998, EPA sent letters to the Chief Executive Officers of companies, including those who were participating in the development of this ECA, to announce EPA's High Production Volume (HPV) Chemical Challenge Program. Consistent with the international OECD Screening Information Data Set (SIDS) Program, EPA's HPV Challenge Program encourages U.S. chemical producers and importers to voluntarily provide existing screening level data, or, if none exist, to develop such data on U.S. HPV chemicals. Because some overlap of testing requirements in the HPV Challenge and this ECA initiative were identified, the industry committed to develop the screening level data for the HPV Challenge Program before continuing with further development of the ECA. In this way, results from the HPV Challenge program would feed back into consideration of needs for the ECA testing and, where possible, could avert some or all of the overlap testing requirements. After completion of the industry's commitments under the HPV Challenge Program, EPA will evaluate the need for any additional testing of the subject AP base stocks under an ECA.

**Timetable:**

| Action                              | Date             | FR Cite     |
|-------------------------------------|------------------|-------------|
| ANPRM                               | 12/29/83         | 48 FR 57452 |
| NPRM                                | 01/17/92         | 57 FR 2138  |
| Final Action: ECA and Consent Order | To Be Determined |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.2**URL For More Information:**

www.epa.gov/oppt/chemtest

**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8469

Fax: 202 564-4765

Email: schweer.greg@epamail.epa.gov

**RIN:** 2070-AJ07**2961. TEST RULE; BROMINATED FLAME RETARDANTS (BFRS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 "TSCA 4"**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** On June 25, 1991 (56 FR 29140), EPA issued a proposed TSCA section 4 Test Rule for health and environmental effects and chemical fate testing of five brominated flame retardants. Since issuing that proposed

rule, all of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary US HPV Chemical Challenge Program, and/or EPA's Voluntary Children's Chemical Evaluation Program (VCCEP). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

**Timetable:**

| Action       | Date             | FR Cite     |
|--------------|------------------|-------------|
| NPRM         | 06/25/91         | 56 FR 29140 |
| Final Action | To Be Determined |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.3**URL For More Information:**

www.epa.gov/oppt/chemtest

**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564-8469

Fax: 202 564-4765

Email: schweer.greg@epamail.epa.gov

**RIN:** 2070-AJ08

## Environmental Protection Agency (EPA)

## Completed Actions

## Toxic Substances Control Act (TSCA)

**2962. NOTIFICATION OF CHEMICAL EXPORTS UNDER TSCA SECTION 12(B)****Priority:** Other Significant**CFR Citation:** 40 CFR 707**Completed:**

| Reason | Date     | FR Cite    |
|--------|----------|------------|
| NPRM   | 02/09/06 | 71 FR 6733 |

| Reason               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Action         | 11/14/06 | 71 FR 66234 |
| Technical Correction | 11/28/06 | 71 FR 68750 |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Greg Schweer

Phone: 202 564-8469

Fax: 202 564-4765

Email: schweer.greg@epamail.epa.gov

Ken Moss

Phone: 202 564-8179

Fax: 202 564-4765

Email: moss.kenneth@epa.gov

**RIN:** 2070-AJ01

**Environmental Protection Agency (EPA)  
Emergency Planning and Community Right-to-Know Act (EPCRA)**

Proposed Rule Stage

**2963. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: MODIFICATION TO THE THRESHOLD PLANNING QUANTITY METHODOLOGY FOR THE EXTREMELY HAZARDOUS SUBSTANCES THAT ARE SOLIDS IN SOLUTION**
**Priority:** Other Significant**Legal Authority:** 42 USC 11001**CFR Citation:** 40 CFR 355**Legal Deadline:** None

**Abstract:** EPA is considering an alternative approach for the threshold planning quantity (TPQ) for chemicals on the Extremely Hazardous Substances (EHS) List that are handled as solids in solution. The current TPQ for solids in solution is based on the assumption that the entire quantity of the solid chemical at a facility could potentially be released to air in event of an accident. EPA will propose a rule that would revise the TPQ for solids in solution and seek comment on an

alternative approach. EPA is pursuing this proposal in part based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). If the TPQ for solids in solution is raised, it would result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under section 302-304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA intends to evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA would also seek public comment on the appropriateness of considering aerosol size as a factor for potential off-site exposure to communities.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/08 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4753;

**Agency Contact:** Kathy Franklin, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460  
Phone: 202 564-7987  
Fax: 202 564-2625  
Email: franklin.kathy@epa.gov

Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460  
Phone: 202 564-8019  
Fax: 202 564-2625  
Email: jacob.sicy@epa.gov

**RIN:** 2050-AF08
**Environmental Protection Agency (EPA)  
Emergency Planning and Community Right-to-Know Act (EPCRA)**

Final Rule Stage

**2964. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS TO PARTS 355 AND 370**
**Priority:** Other Significant**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022**CFR Citation:** 40 CFR 355; 40 CFR 370**Legal Deadline:** None

**Abstract:** This rule will address some of the remaining issues from the proposed rule of June 8, 1998. Reporting thresholds for gasoline and diesel fuel at retail gas stations were finalized on February 11, 1999 (64 FR 7031). This rule will address those reporting changes in section B of the preamble to the proposed rule under the heading "Other Regulatory Changes." The revisions in this rule will have only minimal impact on the regulated community. Most of the changes are minor revisions and clarifications of interpretation that EPA has been providing the regulated communities. In addition, as stated in the proposed rule, 40 CFR parts 355 and 370 will be reorganized and

rewritten in Plain English format to make them clearer and easier to use.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 06/08/98 | 63 FR 31268 |
| Final Action | 12/00/07 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 3215;

**Agency Contact:** Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460  
Phone: 202 564-8019  
Fax: 202 564-2625  
Email: jacob.sicy@epa.gov

**RIN:** 2050-AE17
**2965. ADDITION OF TOXICITY EQUIVALENCY (TEQ) REPORTING AND QUANTITY DATA FOR INDIVIDUAL MEMBERS OF THE DIOXIN AND DIOXIN-LIKE COMPOUNDS CATEGORY UNDER EPCRA, SECTION 313**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 11001 et seq**CFR Citation:** 40 CFR 372**Legal Deadline:** None

**Abstract:** Under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (i.e., the Toxics Release Inventory (TRI)), dioxin and dioxin-like compounds are reported in units of grams for the category. This project will add toxic equivalency (TEQ) reporting for the category and quantity data for individual members of the category to the grams only reporting currently required for the category under EPCRA section 313. TEQs are a weighted quantity measure based on the toxicity of each dioxin congener relative to the most toxic dioxin congeners, 2,3,7,8-tetrachlorodibenzo-p-dioxin and 1,2,3,7,8-pentachlorodibenzo-p-dioxin. The addition of TEQ reporting will