



# Federal Register

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**Tuesday,  
May 27, 2003**

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**Part XXIV**

**Environmental  
Protection Agency**

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**Semiannual Regulatory Agenda**

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

### ENVIRONMENTAL PROTECTION AGENCY (EPA)

#### 40 CFR Ch. I

FRL-7461-6

#### Spring 2003 Regulatory Agenda

**AGENCY:** Environmental Protection Agency.

**ACTION:** Semiannual regulatory agenda.

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

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

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

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

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

#### SUPPLEMENTARY INFORMATION:

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#### A. What Is EPA's Goal in Developing Regulations and Policies and What Key Principles Drive EPA's Rulemaking and Policymaking Process?

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

#### B. What Laws and Executive Orders Apply to EPA's Regulatory Development Efforts?

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

and Advancement Act, and the Congressional Review Act.

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

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

#### C. How Can You Be Involved in EPA's Rule and Policy Making Process?

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

We believe our actions will be more cost-effective and protective if our development process includes stakeholders working with us to identify the most practical and effective solutions to problems. We urge you to become involved in this process.

#### D. What Actions Are Included in the Agenda?

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

- Administrative actions such as delegations of authority, changes of address or phone numbers.
- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from

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the New Source Performance Standards source categories list; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes.

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

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

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

We have organized the Agenda:

- First, into fourteen divisions based on the law that would authorize a particular action. These divisions are:
  1. General, which includes cross-cutting actions, such as rules authorized by multiple statutes and general acquisition rules
  2. The Clean Air Act (CAA)
  3. The Atomic Energy Act (AEA)
  4. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
  5. The Federal Food, Drug, and Cosmetic Act (FFDCA)
  6. The Toxic Substances Control Act (TSCA)
  7. The Emergency Planning and Community Right-to-Know Act (EPCRA)

8. Chemical Safety Information, Site Security and Fuels Regulatory Relief Act

9. The Resource Conservation and Recovery Act (RCRA)

10. The Oil Pollution Act (OPA)

11. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Superfund

12. The Clean Water Act (CWA)

13. The Safe Drinking Water Act (SDWA)

14. The Shore Protection Act (SPA)

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

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

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

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

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

5. Completed Action - This section contains actions that have been promulgated and published in the **Federal Register** since publication of the Fall 2002 Agenda. It also includes actions that we are no longer considering. If an action appears in the completed section, it will not appear in future Agendas unless we decide to initiate action again, in which case it will appear as a new

entry. EPA also announces the results of our Regulatory Flexibility Act section 610 reviews in this section of the Agenda.

- Third, by the section number of the statute which requires or authorizes the rule.

**F. What Information Is in Agenda Entries?**

Agenda entries include the following information, where applicable:

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

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

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

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

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

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

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

*Routine and Frequent:* A rulemaking that is a specific case of a recurring application of a regulatory program in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1. Regulatory Agenda Databases and Search Engines:** If you have access to the Internet you can use databases and their accompanying search engines developed by the EPA and the Regulatory Information Service Center (RISC) at the General Services Administration to help you locate actions that are of interest to you. The EPA Regulatory Agenda search engine is located at [www.epa.gov/regagenda](http://www.epa.gov/regagenda). We thoroughly update this database each spring and fall and we partially update it several other times during the year. RISC's searchable databases are at <http://ciir.cs.umass.edu/ua/>. They include links to all agencies' Regulatory Agendas and Regulatory Plans going back to October 1995.
- 2. Appendices to the Agenda:** There are six appendices that provide:
  - An index based on subject matter
  - A list of actions that may have a significant impact on a substantial number of small businesses, small governments, or small non-profit organizations
  - A list of actions that may have some impact on some small businesses, small governments, or small non-profit organizations but which may either have less than a significant impact or affect fewer than a substantial number of them
  - A list of the existing rules that we are reviewing under section 610 of the Regulatory Flexibility Act
  - A list of actions that may affect State, local, or tribal governments, and
  - A list of actions that may have federalism implications as defined in Executive Order 13132.
- 3. Public Dockets and Other URLs for Individual Actions:** When EPA announces the initiation of a rulemaking, typically through the publication of an advance notice of proposed rulemaking or a notice of proposed rulemaking in the Federal Register, the Agency may establish an official docket to accumulate materials throughout the development process for that rulemaking. The official docket serves as the repository for the collection of documents or information related to a particular agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for various other non-

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rulemaking activities, such as Federal Register documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act, and other non-rule activities. In 2002, EPA released its online electronic docket and comment system, EDOCKET at <http://www.epa.gov/edocket>. For those matters included in EDOCKET, you may use EDOCKET to submit or view public comments, to access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number for the particular rulemaking action. In addition, the Agenda entry may provide other URL addresses that link to more information about the individual action or related program.

**4. EPA's FY03 Regulatory Plan:** The Regulatory Plan, which is published in the fall of each year, covers the core of our priority actions that we expected to be published by September 2003. We have 34 actions in the December 2002 Plan. There are entries for each of these actions in the Spring 2003 Regulatory Agenda, but we discuss them in greater detail in the Plan. You can view the Plan at [www.epa.gov/regagenda](http://www.epa.gov/regagenda)

**5. The Regulatory Agenda Collection in the EPA History Office** has a complete collection of Regulatory Agendas and related materials. A list of the contents including exact citations for all Agendas is at: <http://www.epa.gov/history/collection/aid41.htm>

**6. Listservers:** If you want to get automatic e-mails about areas of particular interest, we maintain 12 collections including:

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

• General information.

For more information and to subscribe via our FR Web site, visit: <http://www.epa.gov/fedrgstr/subscribe>. If you have e-mail without full Internet access, please send an e-mail to [envsubset@epa.gov](mailto:envsubset@epa.gov) to request instructions for subscribing to the EPA Federal Register listservers

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

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

For each of our rulemakings we consider whether there will be any adverse impact on any small entity. We attempt to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation. Under RFA/SBREFEA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing

RFA/SBREFEA, please visit the RFA/SBREFEA website at <http://www.epa.gov/sbrefa/>. See Appendix B at the end of the Agenda, "Index to Environmental Protection Agency Entries for which a Regulatory Flexibility Analysis is Required" for a list of these rules. See Appendix C for a list of the rules that may affect small entities, but which we do not expect will have a significant economic impact on a substantial number of them.

The Regulatory Flexibility Act (RFA) section 610 requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities (SISNOSE). For EPA rules issued in 1992-1997, EPA went beyond the requirements of the RFA by preparing regulatory flexibility analyses for rules that would have any adverse impact on any number of small entities, regardless of the size of impact or number of small entities. In effect, many rules that EPA would otherwise have certified as not having a SISNOSE were not formally certified during this time period. After the RFA was amended in 1996 by the Small Business Regulatory Enforcement Fairness Act (SBREFEA), EPA returned to its earlier practice of formally certifying rules with no SISNOSE under the RFA while continuing to offer outreach and accommodation to regulated small entities for those rules. EPA has identified seven rules issued before SBREFEA was passed that were not formally certified yet do not and will not have a SISNOSE. EPA has determined that these seven rules are not subject to section 610 review, and, even if a section 610 review were conducted, revision of the rules would not be warranted. A list of these seven rules is available at [epa.gov/sbrefa](http://epa.gov/sbrefa).

There are six rules for which we are conducting section 610 reviews this year. We undertake these reviews to decide whether we should continue the rule unchanged, amend it, or withdraw it. We announce our forthcoming section 610 reviews in the "Prerule" section of the Agenda. We encourage small entities to provide comments on the need to change these rules. We will consider all of your comments as we decide whether to continue, amend, or withdraw these rules. We particularly encourage comments by small entities about how these rules could be made clearer, more effective, or remove conflicting or overlapping requirements

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with other Federal or State regulations.  
The six reviews are:

Review RIN# and EDOCKET ID#	Rule Being Reviewed
2040-AD96; OW-2003-0016 2060-AK64; OAR-2003-0029 2060-AK65; OAR-2003-0030	Standards for the Use or Disposal of Sewage Sludge NESHAPs for Source Categories, Perchloroethylene Dry Cleaning Facilities Regulations of Fuels and Fuel Additives: Standards for Reformulated and Conventional Gasoline
2060-AK66; OAR-2003-0031 2070-AD65; OPPT-2003-0015	Inspection and Maintenance Requirements for Mobile Sources of Air Pollution Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities
2070-AD66; OPP-2003-0115	Worker Protection Standards for Pesticides

EPA has established an official public docket for each of these 610 reviews under a docket identification (ID) number as indicated above. The official public docket is the collection of materials that is available for public viewing at the docket facility. An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as confidential business information (CBI) and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified above. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

Unless otherwise indicated, please direct your comments to the identified Docket ID number for the specific 610 review item. For these 610 reviews, please DO NOT submit CBI or information that is otherwise protected by statute. You may submit comments electronically, by mail, or through hand delivery/courier using one of the following methods:

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.
- i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. Once in the

system, select "search," and then key in the appropriate Docket ID number. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified below. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments, identified by the appropriate Docket ID number, to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Mailcode: [insert #], 1200 Pennsylvania Ave., NW, Washington, DC, 20460

3. *By Hand Delivery or Courier.* Deliver your comments, identified by the appropriate Docket ID number, to: EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1742. Such deliveries are only accepted during the Docket's normal hours of operation as identified below.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or

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other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket. Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the

photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. For these actions, please DO NOT submit CBI or information that is otherwise protected by statute.

**I. Acknowledgment of Those Involved in the Rulemaking Process**

Finally, I would like to thank the members of the public who have taken

the time to get involved in the rulemaking process. Experience has taught us that we must listen to and involve our stakeholders if we hope to fully understand the issues and write the most effective rules. Over the years you, the public, have submitted an enormous number of comments on our rulemakings. We have heard all of them and adopted many. We look forward to your continued participation in the Agency's rulemaking.

**Dated:** April 21, 2003.

**Jessica L. Furey,**

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

**GENERAL—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
3005	SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements .....	2020-AA39
3006	SAN No. 3580 Incorporation of Class Deviations Into EPAAR .....	2030-AA37
3007	SAN No. 4292 Proposed Revision to EPA's Implementing NEPA Regulations .....	2020-AA42
3008	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations .....	2020-AA44
3009	SAN No. 4693 Privacy Act Regulations (Revised) .....	2025-AA13
3010	SAN No. 4191 Revision to EPAAR 1552.211-73, Level of Effort .....	2030-AA64
3011	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest .....	2030-AA67
3012	SAN No. 4742 Continuation of Implementing the Empowerment Initiative .....	2030-AA81
3013	SAN No. 4463 Persistent, Bioaccumulative, and Toxic (PBT) Pollutants Strategy .....	2070-AD45

**GENERAL—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
3014	SAN No. 4747 Implementation of Authority To Appoint Research Scientists Under 42 USC .....	2030-AA83
3015	SAN No. 3817 Implementation of Changes to Governmentwide Debarment and Suspension Common Rule .....	2030-AA48
3016	SAN No. 4270 Cross-Media Electronic Reporting (ER) and Recordkeeping Rule (CROMERRR) .....	2025-AA07
3017	SAN No. 4572 Fellowship Grant Regulation Revision .....	2030-AA77
3018	SAN No. 4733 Background Investigations for Contractors Performing Services Onsite .....	2030-AA80
3019	SAN No. 4761 Waste Isolation Pilot Plant (WIPP) FY 2002 Report to Congress .....	2060-AK79
3020	SAN No. 4473 Regulatory Incentives for the National Environmental Performance Track Program .....	2090-AA13
3021	SAN No. 4530 EPA Agencywide Public Involvement Policy .....	2090-AA23
3022	SAN No. 4536 Project XL Site-Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico .....	2090-AA27

**GENERAL—Long-Term Actions**

Sequence Number	Title	Regulation Identification Number
3023	SAN No. 4021 Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance .....	2020-AA36
3024	SAN No. 3240 Public Information and Confidentiality Regulations .....	2025-AA02
3025	SAN No. 3671 Guidelines for Carcinogen Risk Assessment .....	2080-AA06

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GENERAL—Completed Actions

Sequence Number	Title	Regulation Identification Number
3026	SAN No. 4780 Administrative Changes and Technical Amendments to EPAAR .....	2030-AA82
3027	SAN No. 4180 Rewriting of EPA Regulations Implementing the Freedom of Information Act .....	2025-AA04
3028	SAN No. 4650 Contractor Performance Evaluations .....	2030-AA79
3029	SAN No. 4435 Project XL Site-Specific Rule for International Paper Mill in Jay, Maine .....	2090-AA31

GENERAL—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2030-AA50	SAN No. 3876 Incrementally Funding Fixed Price Contracts	05/06/2003	Withdrawn - No further action anticipated.
2030-AA57	SAN No. 4185 Electronic Funds Transfer	05/06/2003	Withdrawn - No further action anticipated.
2030-AA62	SAN No. 4187 EPAAR Coverage on Local Hiring and Training	03/13/2003	Withdrawn - Superseded by Coverage in HubZone Program

CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3030	SAN No. 4785 NESHAP: Perchloroethylene Dry Cleaning Facilities ( <b>Section 610 Review</b> ) .....	2060-AK64
3031	SAN No. 4786 Standards for Reformulated and Conventional Gasoline ( <b>Section 610 Review</b> ) .....	2060-AK65
3032	SAN No. 4787 Inspection/Maintenance Program Requirements ( <b>Section 610 Review</b> ) .....	2060-AK66
3033	SAN No. 4759 Revision to Policy on Control of Volatile Organic Compounds (VOC) .....	2060-AK75

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3034	SAN No. 4755 Accidental Release Prevention Requirements: Risk Management Programs Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements .....	2050-AF09
3035	SAN No. 4415 Petitions To Delist Source Categories From the Source Category List, Developed Pursuant to Section 112(c) of the Clean Air Act .....	2060-AJ23
3036	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives ..	2060-AJ61
3037	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings) .....	2060-AF72
3038	SAN No. 4070 General Conformity Regulations; Revisions .....	2060-AH93
3039	SAN No. 3470 Revision to the Guideline on Air Quality Models (Appendix W to 40 CFR Part 51): Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions .....	2060-AK60
3040	SAN No. 3746 NESHAP: Paint Stripping Operations .....	2060-AG26
3041	SAN No. 4683 Air Quality: Revision to Definition of Volatile Organic Compounds — Exclusion of 4 Compounds .....	2060-AK37
3042	SAN No. 3975 Review of Minor New Sources and Modifications in Indian Country .....	2060-AH37
3043	SAN No. 4625 Implementation Rule for 8-hour Ozone NAAQS .....	2060-AJ99
3044	SAN No. 4752 Implementation Rule for PM-2.5 NAAQS .....	2060-AK74
3045	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements (40 CFR Part 60, Appendix F, Procedure 3) .....	2060-AH23
3046	SAN No. 4119 Performance Specification 16 — Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources .....	2060-AH84
3047	SAN No. 4161 Revisions to Methods 3A, 6C, 7E, 10, and 20 .....	2060-AK61
3048	SAN No. 4310 NESHAP: Printing and Publishing Industry; Amendments .....	2060-AI66
3049	SAN No. 4313 Petitions To Delist Hazardous Air Pollutants: MEK .....	2060-AI72
3050	SAN No. 4571 Electric Utility Steam Generating Unit MACT Regulation .....	2060-AJ65
3051	SAN No. 4585 Portland Cement Manufacturing Industry NESHAP: Amendment To Implement Court Remand .....	2060-AJ78

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

Sequence Number	Title	Regulation Identification Number
3052	SAN No. 4620 National Emission Standards for Coke Oven Batteries — Residual Risk Standards .....	2060-AJ96
3053	SAN No. 4672 NESHAP: Solvent Extraction for Vegetable Oil: Amendments .....	2060-AK32
3054	SAN No. 4713 NESHAP for Primary Aluminum Reduction Plants; Amendments .....	2060-AK50
3055	SAN No. 4719 NESHAP for Source Categories: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements .....	2060-AK54
3056	SAN No. 4751 Petition To Delist a Hazardous Air Pollutant (HAP) Source Category From Section 112 of the Clean Air Act — Gas Turbines .....	2060-AK73
3057	SAN No. 4689 Section 126 Rule Withdrawal Provision .....	2060-AK41
3058	SAN No. 4340 Transportation Conformity Amendments: Response to March 2, 1999, Court Decision .....	2060-AI56
3059	SAN No. 4309 National VOC Emission Standards for Consumer Products; Proposed Amendments .....	2060-AI62
3060	SAN No. 4675 Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel .....	2060-AK27
3061	SAN No. 4757 Emissions Durability Procedures for New Light-Duty Vehicles and Light-Duty Trucks .....	2060-AK76
3062	SAN No. 4393 Control of Methyl Tertiary Butyl Ether (MTBE) .....	2060-AJ00
3063	SAN No. 3412 Operating Permits: Revisions to Part 70 .....	2060-AF70
3064	SAN No. 4700 Selection of Sequence of Mandatory Sanctions To Be Applied Pursuant to Section 502 of the Clean Air Act .....	2060-AK46
3065	SAN No. 4535 Protection of Stratospheric Ozone: Process for Exempting Critical and Emergency Uses of Methyl Bromide .....	2060-AJ63
3066	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propylbromide .....	2060-AK26
3067	SAN No. 4697 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries .....	2060-AK45
3068	SAN No. 3673 Protection of Stratospheric Ozone: Reconsideration of Section 608 Sales Restriction .....	2060-AG20
3069	SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO <sub>2</sub> ) Area .....	2008-AA00
3070	SAN No. 3263 Performance Warranty and Inspection/Maintenance Test Procedures .....	2060-AE20
3071	SAN No. 3262 Inspection/Maintenance Recall Requirements .....	2060-AE22
3072	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions .....	2060-AH31
3073	SAN No. 4348 Inspection Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule .....	2060-AI97
3074	SAN No. 4391 Rescinding Finding That Pre-Existing PM <sub>10</sub> Standards Are No Longer Applicable in Northern Ada County/Boise, Idaho .....	2060-AJ05
3075	SAN No. 4421 Revising Regulations on Ambient Air Quality Monitoring .....	2060-AJ25
3076	SAN No. 4450 Revisions to Regional Haze Rule To Address Concerns Raised by DC Court Circuit Regarding Best Available Retrofit Technology (BART) .....	2060-AJ31
3077	SAN No. 4570 Control of Air Pollution From Motor Vehicles and Engines: Alternative Low-Sulfur Highway Diesel Fuel Transition Program for Alaska .....	2060-AJ72
3078	SAN No. 4583 Modification of Federal On-Board Diagnostic Regulations for 2004 Model Year Vehicles Below 14,000 Pounds .....	2060-AJ77
3079	SAN No. 4547 Modification of Authority To Grant Alternative Method Approvals .....	2060-AJ83
3080	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems .....	2060-AJ86
3081	SAN No. 4631 Adoption of the Amended International NO <sub>x</sub> Standard for Aircraft Engines .....	2060-AK01
3082	SAN No. 4632 Modification of Anti-Dumping Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska, and the U.S. Territories .....	2060-AK02
3083	SAN No. 4633 Performance-Based Measurement System for Fuels: Criteria for Self-Qualifying Alternative Test Methods; Description of Optional Statistical Quality Control Measures .....	2060-AK03

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

Sequence Number	Title	Regulation Identification Number
3084	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation .....	2009-AA00
3085	SAN No. 3569 Source-Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant .....	2009-AA01
3086	SAN No. 4768 Amendment to Subparts H and I for Emissions of Radionuclides Other Than Radon From DOE Facilities .....	2060-AK81
3087	SAN No. 4466 Overview of Rulemakings for the Purpose of Reducing Interstate Ozone Transport .....	2060-AJ20
3088	SAN No. 4532 Motor Vehicle and Engine Compliance Program Fees for: Light-Duty Vehicles and Trucks; Heavy-Duty Vehicles and Engines; Nonroad Engines; and Motorcycles .....	2060-AJ62

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

Sequence Number	Title	Regulation Identification Number
3089	SAN No. 4104 NESHAP: Hydrochloric Acid Production Industry .....	2060-AH75
3090	SAN No. 3470 Revision to the Guideline on Air Quality Models (Appendix W to 40 CFR Part 51): Adoption of a Preferred Long Range Transport Model and Other Revisions .....	2060-AF01
3091	SAN No. 3657 NESHAP: Combustion Turbine .....	2060-AG67
3092	SAN No. 3343 NESHAP: Iron and Steel Foundries .....	2060-AE43
3093	SAN No. 3346 NESHAP: Integrated Iron and Steel .....	2060-AE48
3094	SAN No. 3326 NESHAP: Reinforced Plastic Composites Production .....	2060-AE79
3095	SAN No. 3452 NESHAP: Miscellaneous Organic Chemical Manufacturing .....	2060-AE82
3096	SAN No. 3656 NESHAP: Reciprocating Internal Combustion Engine .....	2060-AG63
3097	SAN No. 3837 NESHAP: Industrial, Commercial and Institutional Boilers and Process Heaters .....	2060-AG69
3098	SAN No. 3902 NESHAP: Semiconductor Production .....	2060-AG93
3099	SAN No. 3452 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing ...	2060-AK59
3100	SAN No. 2915 Methods for Measurement of Visible Emissions — Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51 .....	2060-AF83
3101	SAN No. 3900 Addition of Method 207 to Appendix M of 40 CFR Part 51 Method for Measuring Isocyanates in Stationary Source Emissions .....	2060-AG88
3102	SAN No. 4433 Interstate Ozone Transport: Response to Court Decisions on the NOx SIP Call, NOx SIP Call Technical Amendments, and Section 126 Rules .....	2060-AJ16
3103	SAN No. 3380 NSPS: SO2 — Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60 .....	2060-AE94
3104	SAN No. 4478 Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills: Amendment .....	2060-AJ41
3105	SAN No. 4508 Standards of Performance for New Stationary Sources: Volatile Organic Liquid Storage Vessels; Amendments .....	2060-AJ53
3106	SAN No. 4555 Electric Arc Furnace NSPS Amendment .....	2060-AJ68
3107	SAN No. 4605 Proposed Amendments to Performance Standards and Monitoring Requirements for Particulate Matter at Stationary Sources .....	2060-AJ88
3108	SAN No. 4681 Revision of Combustion Turbines NSPS — Part 60, Subpart GG .....	2060-AK35
3109	SAN No. 3449 NESHAP: Mercury Cell Chlor-Alkali Plants .....	2060-AE85
3110	SAN No. 3820 NESHAP: Plywood and Composite Wood Products .....	2060-AG52
3111	SAN No. 3824 NESHAP: Metal Furniture (Surface Coating) .....	2060-AG55
3112	SAN No. 3825 NESHAP: Miscellaneous Metal Parts and Products (Surface Coating) .....	2060-AG56
3113	SAN No. 3826 Plastic Parts and Products (Surface Coating) NESHAP .....	2060-AG57
3114	SAN No. 3655 NESHAP: Asphalt Processing and Asphalt Roofing Manufacturing .....	2060-AG66
3115	SAN No. 3652 NESHAP: Refractory Products Manufacturing .....	2060-AG68
3116	SAN No. 3651 NESHAP: Lime Manufacturing .....	2060-AG72
3117	SAN No. 3906 NESHAP: Surface Coating of Metal Cans .....	2060-AG96
3118	SAN No. 3909 NESHAP: Printing, Coating, and Dyeing of Fabrics and Other Textiles .....	2060-AG98
3119	SAN No. 3907 NESHAP: Surface Coating of Automobiles and Light-Duty Trucks .....	2060-AG99
3120	SAN No. 3904 NESHAP: Wood Building Products (Surface Coating) .....	2060-AH02
3121	SAN No. 3924 NESHAP: Primary Magnesium Refining .....	2060-AH03
3122	SAN No. 3968 NESHAP: Site Remediation .....	2060-AH12
3123	SAN No. 3971 NESHAP: Organic Liquids Distribution (Non-Gasoline) .....	2060-AH41
3124	SAN No. 4022 NESHAP: Coke Ovens: Pushing, Quenching, and Battery Stacks .....	2060-AH55
3125	SAN No. 4115 NESHAP: Chromium Electroplating Amendment .....	2060-AH69
3126	SAN No. 4111 NESHAP: Fumed Silica Production .....	2060-AH72
3127	SAN No. 4107 NESHAP: Asphalt/Coal Tar Application on Metal Pipes .....	2060-AH78
3128	SAN No. 4343 NESHAP: Clay Ceramics Manufacturing .....	2060-AI68
3129	SAN No. 4144 NESHAP: Engine Test Cells/Standards .....	2060-AI74
3130	SAN No. 4380 NESHAP: Taconite Iron Ore Processing Industry .....	2060-AJ02
3131	SAN No. 4449 NESHAP: Flexible Polyurethane Foam Fabrication Operations .....	2060-AJ19
3132	SAN No. 4426 Clarification to Existing Part 63 NESHAP Delegations' Provisions .....	2060-AJ26
3133	SAN No. 4479 NESHAP: Gasoline Distribution Facilities — Amendment .....	2060-AJ42
3134	SAN No. 4591 Benzene Waste Operations NESHAP; Amendments .....	2060-AJ87
3135	SAN No. 4325 NESHAP: Brick and Structural Clay Products Manufacturing .....	2060-AJ91
3136	SAN No. 4685 NESHAP: Chlorine Production .....	2060-AK38
3137	SAN No. 4712 NESHAP: Hazardous Organic NESHAP (HON) Amendments .....	2060-AK49
3138	SAN No. 4714 NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units; Amendments .....	2060-AK51

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Sequence Number	Title	Regulation Identification Number
3139	SAN No. 4715 NESHAP: Sources Categories: General Provisions; and Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections 112(g) and 112(j) .....	2060-AK52
3140	SAN No. 4723 NESHAP: Secondary Aluminum Industry Amendments .....	2060-AK57
3141	SAN No. 4763 NESHAP: Ethylene Processes; Amendments .....	2060-AK80
3142	SAN No. 4773 NESHAP: Rubber Tire Manufacturing: Technical Correction .....	2060-AK82
3143	SAN No. 4749 Amendment to Project XL Site-Specific Rulemaking for Georgia-Pacific Corporation Facility in Big Island, Virginia .....	2060-AK71
3144	SAN No. 4464 Rulemaking on Section 126 Petitions From New York and Connecticut Regarding Sources in Michigan; Revision of Definition of Applicable Requirement for Title V Operating Permit Programs .....	2060-AJ36
3145	SAN No. 4441 Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units Constructed On or Before November 30, 1999 .....	2060-AJ28
3146	SAN No. 4676 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement .....	2060-AK28
3147	SAN No. 4495 Revisions to Regional Haze Rule To Incorporate Sulfur Dioxide Milestones and Backstop Emissions Trading Program for Nine Western States .....	2060-AJ50
3148	SAN No. 4030 Expanded Definitions for Alternative-Fueled Vehicles and Engines Meeting Low-Emission Vehicle Exhaust Emission Standards .....	2060-AH52
3149	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline .....	2060-AJ82
3150	SAN No. 4626 Control of Emissions from Spark Ignition Marine Vessels and Highway Motorcycles .....	2060-AJ90
3151	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations .....	2060-AI03
3152	SAN No. 4671 Amendments to Compliance Certification Requirements for State and Federal Operating Permits Programs .....	2060-AK11
3153	SAN No. 4756 Protection of Stratospheric Ozone: Ban on Trade of Methyl Bromide to Non-Parties to the Montreal Protocol .....	2060-AK67
3154	SAN No. 4428 Protection of Stratospheric Ozone: Phaseout of Chlorobromomethane (Halon 1011) Production and Consumption .....	2060-AJ27
3155	SAN No. 3556 Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 .....	2060-AF36
3156	SAN No. 3560 Protection of Stratospheric Ozone: Refrigerant Recycling Rule Amendment To Include Substitute Refrigerants .....	2060-AF37
3157	SAN No. 4487 Federal Implementation Plans for Indian Reservations in Idaho, Oregon and Washington .....	2012-AA01
3158	SAN No. 3741 Service Information Regulation for Light-Duty Vehicles and Trucks .....	2060-AG13
3159	SAN No. 4254 Revision to the Definition of Volatile Organic Compound (VOC) To Exclude Tertiary Butyl Acetate ..	2060-AI45
3160	SAN No. 4548 Compilation of Source-Specific Alternative Methods Being Approved for Source-Categorywide Application .....	2060-AJ84
3161	SAN No. 4600 State and Federal Operating Permits Program: Removal of Amendments to Part 70 and Part 71 Compliance Certification Requirements .....	2060-AJ89
3162	SAN No. 4621 Control of Hazardous Air Pollutants From Mobile Sources: Default Baseline Revision and Minor Corrections .....	2060-AJ97
3163	SAN No. 4634 Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline to California Phase 3 Gasoline .....	2060-AK04
3164	SAN No. 4699 Revisions To Clarify the Scope of the Sufficiency Monitoring Requirements for Federal and State Operating Permits Programs .....	2060-AK29
3165	SAN No. 4686 Waste Isolation Pilot Plant (WIPP) FY 2001 Report to Congress .....	2060-AK39
3166	SAN No. 4694 Extension of Alternative Compliance Periods Under the Anti-Dumping Program .....	2060-AK43
3167	SAN No. 4721 Control of Air Pollution From New Motor Vehicles: Amendment to the Tier 2 Motor Vehicle Emission Standards .....	2060-AK55
3168	SAN No. 4722 California Gasoline Technical Correction .....	2060-AK56
3169	SAN No. 4557 Amendments to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program .....	2060-AK62
3170	SAN No. 4569 Control of Air Pollution From New Motor Vehicles; Addendum to Second Amendment to the Tier 2/Gasoline Sulfur Regulations .....	2060-AK63
3171	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition .....	2060-AK69
3172	SAN No. 4758 Regulation of Fuels and Fuel Additives: Modifications to Standards and Requirements for Reformulated and Conventional Gasoline Including Butane Blenders and Attest Engagements .....	2060-AK77
3173	SAN No. 4760 Stay of Authority Under 40 CFR 50.9(b) Related to Applicability of 1-Hour Ozone Standard .....	2060-AK78
3174	SAN No. 4774 Reclassification as Nonroad Engines for Diesel Engines Used in the State of California Agricultural Pump Application .....	2060-AK83

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

Sequence Number	Title	Regulation Identification Number
3175	SAN No. 4278 Project XL Site-Specific Rulemaking for Andersen Corporation Facility in Bayport, Minnesota .....	2090-AA21

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

Sequence Number	Title	Regulation Identification Number
3176	SAN No. 4695 NESHAP: Off-Site Waste and Recovery Operations Residual Risk Standard .....	2060-AK68
3177	SAN No. 4607 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Availability of Information to the Public; Technical Amendment .....	2050-AE95
3178	SAN No. 4619 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(3); Revisions to the List of Substances .....	2050-AE96
3179	SAN No. 4266 Review National Ambient Air Quality Standards for Carbon Monoxide .....	2060-AI43
3180	SAN No. 4255 Review of the National Ambient Air Quality Standards for Particulate Matter .....	2060-AI44
3181	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand) .....	2060-AA61
3182	SAN No. 2841 NESHAP: Chromium Electroplating Amendment .....	2060-AH08
3183	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins-Amendments .....	2060-AH47
3184	SAN No. 3479 Amendments to Parts 51, 52, 63, 70 and 71 Regarding the Provisions for Determining Potential To Emit .....	2060-AI01
3185	SAN No. 3751 NSPS and Emission Guidelines for Other Solid Waste Incinerators .....	2060-AG31
3186	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas .....	2060-AH01
3187	SAN No. 3525 Protection of Stratospheric Ozone: Update of the Substitutes List Under (SNAP) Program .....	2060-AG12
3188	SAN No. 4096 Phase I (FIP) To Reduce the Regional Transport of Ozone in the Eastern United States .....	2060-AH87
3189	SAN No. 4162 NESHAP: Oil and Natural Gas Production .....	2060-AI13
3190	SAN No. 4653 NESHAP: Aerospace Manufacturing and Rework Facilities Residual Risk Standards .....	2060-AK08
3191	SAN No. 4654 NESHAP: Ethylene Oxide for Sterilization Facilities — Residual Risk Standards .....	2060-AK09
3192	SAN No. 4655 NESHAP: Gasoline Distribution (Stage I) Residual Risk Standards .....	2060-AK10
3193	SAN No. 4657 NESHAP: Group II Polymers and Resins — Residual Risk Standards .....	2060-AK13
3194	SAN No. 4660 NESHAP: Industrial Process Cooling Towers Residual Risk Standards .....	2060-AK16
3195	SAN No. 4661 NESHAP: National Emission Standards for Marine Tank Vessel Loading Operations — Residual Risk Standard .....	2060-AK17
3196	SAN No. 4662 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards .....	2060-AK18
3197	SAN No. 4665 NESHAP: Secondary Lead Smelting Residual Risk Standards .....	2060-AK19
3198	SAN No. 4666 NESHAP: Shipbuilding and Ship Repair Surface Coating Residual Risk Standards .....	2060-AK20
3199	SAN No. 4667 NESHAP: Wood Furniture Manufacturing Operations Residual Risk Standards .....	2060-AK21
3200	SAN No. 4668 NESHAP: Halogenated Solvent Cleaning Residual Risk Standards .....	2060-AK22
3201	SAN No. 4669 NESHAP: Magnetic Tape Manufacturing Operations Residual Risk Standard .....	2060-AK23
3202	SAN No. 4664 NESHAP: Printing and Publishing Industry Residual Risk Standards .....	2060-AK24
3203	SAN No. 4663 NESHAP: Petroleum Refineries Residual Risk Standards .....	2060-AK25
3204	SAN No. 4750 National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks — Residual Risk Standards .....	2060-AK72
3205	SAN No. 4782 Petition To Delist Hazardous Air Pollutant: 4,4'-Methylene Diphenyl Diisocyanate .....	2060-AK84
3206	SAN No. 4656 NESHAP: Group I Polymers and Resins — Residual Risk Standards .....	2060-AK12
3207	SAN No. 4659 NESHAP: Hazardous Organic NESHAP (HON) — Residual Risk Standards .....	2060-AK14
3208	SAN No. 4658 NESHAP: Group IV Polymers and Resins — Residual Risk Standards .....	2060-AK15
3209	SAN No. 4383 Interstate Ozone Transport: Rulemaking on Section 126 Petitions From the District of Columbia, Delaware, Maryland, and New Jersey .....	2060-AI99
3210	SAN No. 3910 Streamlined Evaporative Test Procedures .....	2060-AH34
3211	SAN No. 4748 Control of Hazardous Air Pollutants From Mobile Sources .....	2060-AK70
3212	SAN No. 4682 Revisions to the Appeal Procedures and the Federal NOx Budget Trading Program, Parts 78 and 97 .....	2060-AK36
3213	SAN No. 3922 Revised Permit Revision Procedures for the Federal Operating Permits Program — Part 71 .....	2060-AG92
3214	SAN No. 4247 Revisions to Air Pollution Emergency Episode Requirements (Subpart H, 40 CFR Part 51) .....	2060-AI47
3215	SAN No. 4691 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Clean Units .....	2060-AK42
3216	SAN No. 4783 Voluntary Superior Monitoring .....	2060-AK85
3217	SAN No. 4471 Project XL Site-Specific Rulemaking for Georgia-Pacific Corporation Facility in Big Island, Virginia ..	2090-AA26

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

Sequence Number	Title	Regulation Identification Number
3218	SAN No. 4533 New Jersey Gold Track Project XL Rule .....	2090-AA28

## CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3219	SAN No. 4154 Emissions From Nonroad Spark-Ignition Engines and Standards for Recreational Spark-Ignition Engines .....	2060-AI11
3220	SAN No. 4120 Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export .....	2060-AH67
3221	SAN No. 4454 Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed On or Before August 30, 1999 .....	2060-AJ46
3222	SAN No. 3827 Paper and Other Web Coating NESHAP .....	2060-AG58
3223	SAN No. 3969 NESHAP: Municipal Solid Waste Landfills .....	2060-AH13
3224	SAN No. 4273 Amend Subpart H and I, 40 CFR Part 61, for Emissions of Radionuclides Other Than Radon From DOE Facilities .....	2060-AI90
3225	SAN No. 4460 NESHAP: Friction Materials Manufacturing .....	2060-AJ18
3226	SAN No. 4457 NESHAP: Pesticides Active Ingredients — Amendments .....	2060-AJ34
3227	SAN No. 4524 NESHAP: Portland Cement Manufacturing Industry, Amendments to Rule To Implement Settlement Agreement .....	2060-AJ57
3228	SAN No. 4546 NESHAP: Publicly Owned Treatment Works (POTW) — Amendments .....	2060-AJ66
3229	SAN No. 4684 Modification of Source Category Listing for Seven Specific Pollutants — CAA Section 112(c)(6) .....	2060-AK34
3230	SAN No. 4687 NESHAP: Revision of Area Source Category List Under Section 112(c)(3) and 112(k)(3)(B)(ii) .....	2060-AK40
3231	SAN No. 4717 Site-Specific Rule for Weyerhaeuser Sulfitite Mill .....	2060-AK53
3232	SAN No. 3259 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability .....	2060-AE11
3233	SAN No. 4622 Control of Emissions of Air Pollution From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder .....	2060-AJ98
3234	SAN No. 4647 Reduction of the Ambient Air Monitoring Fine Particulate Collocated Precision Requirement .....	2060-AK05
3235	SAN No. 4688 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances .....	2060-AK30
3236	SAN No. 4696 Protection of Stratospheric Ozone: Additional Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions .....	2060-AK44
3237	SAN No. 4710 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2003 .....	2060-AK48
3238	SAN No. 4253 Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Applications of Methyl Bromide .....	2060-AI42
3239	SAN No. 4387 Amendments to State and Federal Operating Permits Programs, Part 70 and Part 71, Compliance Certification Requirements .....	2060-AJ04
3240	SAN No. 4557 Revision to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program .....	2060-AJ69
3241	SAN No. 4569 Control of Air Pollution From New Motor Vehicles; Second Amendment to the Tier 2/Gasoline Sulfur Regulations .....	2060-AJ71
3242	SAN No. 4707 Amendment to the Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Regulations .....	2060-AK47

## CLEAN AIR ACT (CAA)—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2050-AE85	SAN No. 4511 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Third Party Audit Provisions	03/12/2003	Withdrawn - Agency Plans No Further Action
2060-AH35	SAN No. 3972 NESHAP: Rocket Engine Test Firing	03/17/2003	Withdrawn-Agency Plans No Further Action

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CLEAN AIR ACT (CAA)—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date	Comments
2060-AH38	SAN No. 3979 Review of Federal Test Procedures for Emissions From Motor Vehicles; Test Procedure Adjustments to Fuel Economy and Emission Test Results	03/17/2003	Withdrawn-Agency Plans No Further Action
2060-AH53	SAN No. 4046 Federal Major New Source Review (NSR) Program for Non-attainment Areas	02/27/2003	Withdrawn-Agency Plans No Further Action
2060-AH58	SAN No. 4045 Rulemaking To Modify the List of Source Categories From Which Fugitive Emissions Are Considered in Major Source Determinations	02/27/2003	Withdrawn-Agency Plans No Further Action
2060-AI67	SAN No. 4325 NESHAP: Brick and Structural Clay Products Manufacturing	04/10/2003	Duplicate of RIN 2060-AJ91, SAN4325
2060-AJ14	SAN No. 4390 Utility Sector New Source Review (NSR) Alternative Compliance Program	02/27/2003	Withdrawn-Agency Plans No Further Action
2060-AJ67	SAN No. 4554 Control of Hazardous Air Pollutants From Mobile Sources; Correction	03/19/2003	Withdrawn-Duplicate of RIN 2060-AK56

ATOMIC ENERGY ACT (AEA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3243	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste .....	2060-AH63

ATOMIC ENERGY ACT (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3244	SAN No. 4003 Technical Change to Dose Methodology for 40 CFR Part 190, Subpart B and 40 CFR 191, Subpart A .....	2060-AH90

ATOMIC ENERGY ACT (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3245	SAN No. 4403 Revision of the 40 CFR Part 194 Waste Isolation Pilot Plant Compliance Criteria .....	2060-AJ07

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

Sequence Number	Title	Regulation Identification Number
3246	SAN No. 4727 Endocrine Disruptor Screening Program; Priority Setting Criteria .....	2070-AD59
3247	SAN No. 4610 Acceptability of Research Using Human Subjects .....	2070-AD57
3248	SAN No. 4216 Pesticides; Emergency Exemption Process Revisions .....	2070-AD36
3249	SAN No. 4789 Pesticide Worker Protection Rule ( <b>Section 610 Review</b> ) .....	2070-AD66

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

Sequence Number	Title	Regulation Identification Number
3250	SAN No. 2687 Pesticides; Data Requirements for Conventional Chemicals .....	2070-AC12
3251	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials .....	2070-AD30

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

Sequence Number	Title	Regulation Identification Number
3252	SAN No. 4596 Pesticides; Data Requirements for Biochemical and Microbial Products .....	2070-AD51
3253	SAN No. 4728 Endocrine Disrupter Screening Program; Implementing Screening and Testing Phase .....	2070-AD61
3254	SAN No. 4767 Endangered Species and Pesticide Regulation .....	2070-AD62
3255	SAN No. 4170 Pesticides; Procedures for the Registration Review Program .....	2070-AD29
3256	SAN No. 4609 Pesticides; Exemption of Medical Devices Treated With Antimicrobial Pesticides .....	2070-AD54

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

Sequence Number	Title	Regulation Identification Number
3257	SAN No. 4027 Pesticides; Tolerance Processing Fees .....	2070-AD23
3258	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Proteins .....	2070-AD49
3259	SAN No. 2659 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment .....	2070-AB95
3260	SAN No. 3731 Pesticide Worker Protection Standard (WPS); Glove Amendment .....	2070-AC93
3261	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products .....	2070-AD14

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

Sequence Number	Title	Regulation Identification Number
3262	SAN No. 4175 Pesticide Tolerance Reassessment Program .....	2070-AD24
3263	SAN No. 3432 Pesticide Management and Disposal .....	2020-AA33
3264	SAN No. 4611 Plant-Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants .....	2070-AD55
3265	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant .....	2070-AD56
3266	SAN No. 3222 Groundwater and Pesticide Management Plan Rule .....	2070-AC46

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

Sequence Number	Title	Regulation Identification Number
3267	SAN No. 2684 Plant-Incorporated Protectants (Formerly Plant Pesticides) Rulemakings .....	2070-AC02

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

Sequence Number	Title	Regulation Identification Number
3268	SAN No. 4788 Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities ( <b>Section 610 Review</b> ) .....	2070-AD65

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

Sequence Number	Title	Regulation Identification Number
3269	SAN No. 3557 Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling .....	2070-AC83
3270	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers (40 CFR Part 723) .....	2070-AD58
3271	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances .....	2070-AB79
3272	SAN No. 4395 Test Rule; Developmental and Reproductive Toxicity .....	2070-AD44

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

Sequence Number	Title	Regulation Identification Number
3273	SAN No. 1923 Follow-Up Rules on Existing Chemicals .....	2070-AA58
3274	SAN No. 4512 Significant New Use Rule; Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture .....	2070-AD48
3275	SAN No. 4777 Lead; Amendments to Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing .....	2070-AD64

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

Sequence Number	Title	Regulation Identification Number
3276	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban .....	2070-AC21
3277	SAN No. 3508 Lead; Management and Disposal of Lead-Based Paint Debris .....	2070-AC72
3278	SAN No. 4172 Lead; Notification Requirements for Lead-Based Paint Abatement Activities and Training .....	2070-AD31
3279	SAN No. 1976 Significant New Use Rules; Follow-Up Rules on Non-5(e) New Chemical Substances .....	2070-AA59
3280	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders .....	2070-AB27
3281	SAN No. 3493 Test Rule; Generic Entry for ITC Related Testing Decisions .....	2070-AB94
3282	SAN No. 3990 Test Rule; Certain High Production Volume (HPV) Chemicals .....	2070-AD16
3283	SAN No. 4425 Test Rule; In Vitro Dermal Absorption Rate Testing of Certain Chemicals of Interest to the Occupational Safety and Health Administration .....	2070-AD42
3284	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules .....	2070-AB08
3285	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules .....	2070-AB11
3286	SAN No. 3118 TSCA Section 8(e) Policy; Notice of Clarification .....	2070-AC80
3287	SAN No. 3301 TSCA Inventory Update Rule Revisions .....	2070-AD63

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

Sequence Number	Title	Regulation Identification Number
3288	SAN No. 3148 Asbestos Model Accreditation Plan Revisions .....	2070-AC51
3289	SAN No. 4376 Lead-Based Paint Activities; Training, Accreditation, and Certification Rule and Model State Plan Rule — Bridges and Structures .....	2070-AC64
3290	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemptions From Prohibitions Against Manufacturing, Processing, and Distribution in Commerce .....	2070-AB20
3291	SAN No. 4597 Disposal of Polychlorinated Biphenyls: Implementation Issues .....	2070-AD52
3292	SAN No. 2865 Voluntary Children's Chemical Evaluation Program (VCCEP) .....	2070-AC27
3293	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs) .....	2070-AC76
3294	SAN No. 3882 Test Rule; Certain Metals .....	2070-AD10
3295	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives .....	2070-AD28
3296	SAN No. 3528 Significant New Use Rule; Refractory Ceramic Fibers (RCFs) .....	2070-AC37
3297	SAN No. 4176 Chemical Right-to-Know Initiative; High Production Volume (HPV) Chemicals .....	2070-AD25
3298	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants) .....	2070-AD53

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

Sequence Number	Title	Regulation Identification Number
3299	SAN No. 3559 Notice of TSCA Section 4 Reimbursement Period and TSCA Section 12(b) Export Notification Period Sunset Dates for TSCA Section 4 Substances .....	2070-AC84
3300	SAN No. 3301 TSCA Inventory Update Rule Amendments .....	2070-AC61
3301	SAN No. 4475 Significant New Use Rule; Perfluoroalkyl Sulfonates (PFOA) .....	2070-AD43
3302	SAN No. 4734 Sustainable Futures; Voluntary Pilot Project Under the TSCA New Chemical Program .....	2070-AD60

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

Regulation Identification Number	Title	Date	Comments
2070-AC17	SAN No. 2779 Acrylamide and N-methylolacrylamide Grouts	12/02/2002	Withdrawn

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

Sequence Number	Title	Regulation Identification Number
3303	SAN No. 4781 Trade Secrecy Claims for Emergency Planning and Community Right-to-Know Information; and Trade Secret Disclosures to Health Professionals; Amendment .....	2050-AF10
3304	SAN No. 3994 Response to a Petition Requesting Deletion of Phosmet From the Extremely Hazardous Substances (EHS) List .....	2050-AE42
3305	SAN No. 4753 Emergency Planning and Community Right-to-Know Act: Modification to the Threshold Planning Quantity Methodology for the Extremely Hazardous Substances That Are Solids in Solution .....	2050-AF08
3306	SAN No. 4265 TRI; Revisions to the Otherwise Use Activity Exemptions and the Coal Extraction Activities Exemption .....	2025-AA06
3307	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation .....	2025-AA11
3308	SAN No. 4692 Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin-like Compounds Category Under EPCRA, Section 313 .....	2025-AA12

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

Sequence Number	Title	Regulation Identification Number
3309	SAN No. 2425 TRI; Responses to Petitions Received To Add or Delete or Modify Chemical Listings on the Toxic Release Inventory .....	2025-AA00
3310	SAN No. 4595 Toxic Chemical Release Reporting Using North American Industrial Classification System (NAICS)	2025-AA10

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

Sequence Number	Title	Regulation Identification Number
3311	SAN No. 3215 Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule .....	2050-AE17
3312	SAN No. 3993 Emergency Planning and Community Right-to-Know Act; Extremely Hazardous Substances List; Modification of Threshold Planning Quantity for Isophorone Diisocyanate .....	2050-AE43
3313	SAN No. 3007 TRI; Chemical Expansion; Finalization of Deferred Chemicals .....	2025-AA01
3314	SAN No. 4015 TRI; Review of Chemicals on the Original TRI List .....	2025-AA03
3315	SAN No. 2847 TRI; Pollution Prevention Act Information Requirements .....	2025-AA09

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

Sequence Number	Title	Regulation Identification Number
3316	SAN No. 4392 TRI: APA Petition-EPCRA 313 Definition of Overburden as It Relates to the Mining Industry .....	2025-AA08

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

Sequence Number	Title	Regulation Identification Number
3317	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials .....	2050-AE23
3318	SAN No. 4230 Revisions to Solid Waste Landfill Criteria; Leachate Recirculation on Alternative Liners .....	2050-AE67
3319	SAN No. 3066 Listing Determination and LDR for Wastes Generated During the Manufacture of Azo, Anthraquinone, and Triarylmethane Dyes and Pigments .....	2050-AD80
3320	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes .....	2050-AE51
3321	SAN No. 4501 Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures .....	2050-AE84
3322	SAN No. 4651 Increase Metals Reclamation From F006 Waste Streams .....	2050-AE97
3323	SAN No. 4670 Revisions to the Definition of Solid Waste .....	2050-AE98
3324	SAN No. 4088 Recycled Used Oil Containing PCBs: Amendments .....	2050-AF07
3325	SAN No. 4778 Revisions of the Lead-Acid Battery Export Notification and Consent Requirements .....	2050-AF06
3326	SAN No. 4743 Land Disposal Restrictions: Determination of Equivalent Treatment for Macroencapsulation of Radioactive Lead Solids; Definition of Macroencapsulation .....	2050-AF12
3327	SAN No. 3333 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors .....	2050-AE01
3328	SAN No. 4534 Project XL Site-Specific Rulemaking for Anne Arundel County Millersville Landfill, Severn, Maryland .....	2090-AA25
3329	SAN No. 4565 Project XL Site-Specific Rulemaking for IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York .....	2090-AA29

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

Sequence Number	Title	Regulation Identification Number
3330	SAN No. 4028 Standardized Permit for RCRA Hazardous Waste Management Facilities .....	2050-AE44
3331	SAN No. 3856 Management of Cement Kiln Dust (CKD) .....	2050-AE34
3332	SAN No. 4525 Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste .....	2050-AE86
3333	SAN No. 3989 Methods Innovation Rule .....	2050-AE41
3334	SAN No. 4575 Municipal Solid Waste Landfill Location Restrictions for Airport Safety .....	2050-AE91
3335	SAN No. 4588 Research, Development, and Demonstration Permits for Municipal Solid Waste Landfill .....	2050-AE92
3336	SAN No. 3147 Hazardous Waste Manifest Regulation .....	2050-AE21
3337	SAN No. 4084 Office of Solid Waste Burden Reduction Project .....	2050-AE50
3338	SAN No. 4411 Regulation of Hazardous Oil-Bearing Secondary Materials From Petroleum Refining Industry and Other Hazardous Secondary Materials Processed in a Gasification System To Produce Synthesis Gas .....	2050-AE78
3339	SAN No. 4701 E-Cycling Pilot Project for Region 3 States (ECOS); Streamlining RCRA Regulations to Encourage Reuse, Recycling, and Recovery of Electronic Equipment .....	2003-AA00
3340	SAN No. 4092 Recycling of Cathode Ray Tubes (CRTs) and Mercury-Containing Equipment: Changes to Hazardous Waste Regulations .....	2050-AE52
3341	SAN No. 4439 Project XL — Ortho-McNeil Pilot Project Allowing On-Site Treatment of Low-Level Mixed Wastes Without RCRA Permit .....	2090-AA14
3342	SAN No. 4238 Amendment to Project XL Rulemaking and Final Project Agreement (FPA) for New England Universities Laboratories .....	2090-AA32

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

Sequence Number	Title	Regulation Identification Number
3343	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers .....	2050-AE81
3344	SAN No. 4469 Standards for the Management of Coal Combustion Wastes — Non-Power Producers and Minefilling .....	2050-AE83
3345	SAN No. 4735 RCRA Burden Reduction Initiative, Phase 2 .....	2050-AF01
3346	SAN No. 3189 Final Determination of the Applicability of the Toxicity Characteristic Rule to Petroleum-Contaminated Media and Debris From Underground Storage Tanks .....	2050-AD69
3347	SAN No. 4606 Revisions for Transboundary Shipments of Hazardous Waste for Recovery Within the Organization for Economic Cooperation and Development .....	2050-AE93

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

Sequence Number	Title	Regulation Identification Number
3348	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision) .....	2050-AC71
3349	SAN No. 4233 Land Disposal Restrictions; Treatment Standards for Spent Potliners From Primary Aluminum Reduction (K088) and Regulatory Classification of K088 Vitrification Units .....	2050-AE65

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

Sequence Number	Title	Regulation Identification Number
3350	SAN No. 4094 Land Disposal Restrictions; Notice of Data Availability: Mercury Treatability Studies .....	2050-AE54
3351	SAN No. 4731 Land Disposal Restrictions; National Treatment Variance for Radioactively Contaminated Cadmium, Mercury, and Silver Waste Batteries .....	2050-AE99
3352	SAN No. 4418 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors .....	2050-AE79

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

Sequence Number	Title	Regulation Identification Number
3353	SAN No. 3423 Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste .....	2050-AE12
3354	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities .....	2050-AF03
3355	SAN No. 4379 Standards and Practices for Conducting "All Appropriate Inquiry" .....	2050-AF04
3356	SAN No. 4177 Revise 40 CFR Part 35 Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Actions .....	2050-AE62

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

Sequence Number	Title	Regulation Identification Number
3357	SAN No. 4740 Clarification to Interim Standards and Practices for "All Appropriate Inquiry" Under CERCLA and Notice of Future Rulemaking Action .....	2050-AF05

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

Sequence Number	Title	Regulation Identification Number
3358	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites .....	2050-AD75
3359	SAN No. 4201 Criteria for the Designation of Hazardous Substances Under CERCLA Section 102(a) .....	2050-AE63
3360	SAN No. 4736 Administrative Reporting Exemption for Certain Air Releases of NOx .....	2050-AF02

## CLEAN WATER ACT (CWA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3361	SAN No. 4792 Sewage Sludge Standards To Determine the Financial Impact on Small Entities in the Wastewater Treatment Sector ( <b>Section 610 Review</b> ) .....	2040-AD96

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

Sequence Number	Title	Regulation Identification Number
3362	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements .....	2050-AE87
3363	SAN No. 4766 Effluent Guidelines Program Plan for 2004/2005 .....	2040-AD92
3364	SAN No. 4741 Effluent Guidelines and Standards for Pharmaceutical Manufacturing: Amendment .....	2040-AD97
3365	SAN No. 4377 Test Procedures for the Analysis of Mercury Under the Clean Water Act (Method 245.7) .....	2040-AD52
3366	SAN No. 4378 Test Procedures: Revisions to Method Detection and Quantification for the Clean Water Act .....	2040-AD53
3367	SAN No. 4540 Test Procedures: New and Updated Test Procedures for the Analysis of Pollutants Under the Clean Water Act and Safe Drinking Water Act .....	2040-AD71
3368	SAN No. 3999 NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities .....	2040-AD02
3369	SAN No. 4690 Guidance Regarding National Pollutant Discharge Elimination System Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions .....	2040-AD87
3370	SAN No. 4623 Watershed Rule: Total Maximum Daily Load (TMDL) Program Revisions .....	2040-AD82

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

Sequence Number	Title	Regulation Identification Number
3371	SAN No. 2806 Effluent Guidelines and Standards for the Metal Products and Machinery Category, Phases 1 and 2 .....	2040-AB79
3372	SAN No. 4280 Effluent Guidelines and Standards for the Construction and Development Industry .....	2040-AD42
3373	SAN No. 4407 Effluent Guidelines and Standards for the Meat and Poultry Products Point Source Category (Revisions) .....	2040-AD56
3374	SAN No. 4776 Effluent Guidelines and Standards for the Centralized Waste Treatment Point Source Category (Revision) .....	2040-AD95
3375	SAN No. 4047 Test Procedures for the Analysis of Biological Contaminants Under the Clean Water Act .....	2040-AD08
3376	SAN No. 4474 Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 2 .....	2040-AD62
3377	SAN No. 4726 Minimizing Adverse Environmental Impacts From Cooling Water Intake Structures Under Section 316(b) of the Clean Water Act — Phase I Revisions .....	2040-AD85
3378	SAN No. 3288 Comparison of Dredged Material to Reference Sediment .....	2040-AC14
3379	SAN No. 3488 Round 2 Standards for the Use or Disposal of Sewage Sludge .....	2040-AC25
3380	SAN No. 4624 Modification to Competitive Process Used by EPA for Wetland Program Development Grants .....	2040-AD83

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

Sequence Number	Title	Regulation Identification Number
3381	SAN No. 4370 Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Point Source Category, Dissolving Kraft and Dissolving Sulfite Subcategories (Phase III) .....	2040-AD49
3382	SAN No. 4406 Effluent Guidelines and Standards for the Concentrated Aquatic Animal Production Industry .....	2040-AD55
3383	SAN No. 4264 Water Quality Standards for Alabama—Phase II .....	2040-AD35
3384	SAN No. 4344 Water Quality Standards for Indian Country Waters .....	2040-AD46
3385	SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act .....	2040-AC75
3386	SAN No. 3714 Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring .....	2040-AC92
3387	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures .....	2040-AC93
3388	SAN No. 3155 Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase One .....	2040-AC95
3389	SAN No. 4049 Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act .....	2040-AD09
3390	SAN No. 4089 Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase Two .....	2040-AD12
3391	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces - Phase II .....	2040-AD39

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

Sequence Number	Title	Regulation Identification Number
3392	SAN No. 4543 Minimizing Adverse Environmental Impact from Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 3 .....	2040-AD70
3393	SAN No. 3663 Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution .....	2040-AC58
3394	SAN No. 3786 NPDES Streamlining Rule — Round III .....	2040-AC84
3395	SAN No. 2804 Clean Water Act Definition of Waters of the United States .....	2040-AB74
3396	SAN No. 4493 Clean Water State Revolving Fund Regulation Revisions Re: Use as Matching Funds .....	2040-AD68
3397	SAN No. 4746 Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters .....	2040-AD89

## CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3398	SAN No. 2634 Oil Pollution Prevention Regulation: Spill Prevention, Control, and Countermeasures (SPCC) Extension .....	2050-AF11
3399	SAN No. 4153 National Pollutant Discharge Elimination System Permit Regulation and Effluent Guidelines and Standards for Concentrated Animal Feeding Operations (CAFOs) .....	2040-AD19
3400	SAN No. 4409 Test Procedures: Clean Water Act and Safe Drinking Water Act Methods Update .....	2040-AD59
3401	SAN No. 4541 Test Procedures for the Analysis of Mercury Under the Clean Water Act (Revisions to Method 1631) .....	2040-AD72
3402	SAN No. 4514 Test Procedures: Rule To Revise and To Ratify or Withdraw Whole Effluent Toxicity Test Methods .....	2040-AD73
3403	SAN No. 4765 National Pollutant Discharge Elimination System: Modification of Permit Deadline for Storm Water Discharges From Oil and Gas Construction Activity That Disturbs One to Five Acres .....	2040-AD98
3404	SAN No. 4729 Withdrawal of Total Maximum Daily Load (TMDL) Program Revisions .....	2040-AD84

## CLEAN WATER ACT (CWA)—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2040-AD60	SAN No. 4446 Ocean Discharges Criteria Revisions	04/30/2003	Withdrawn - Agency plans no further action.

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

Sequence Number	Title	Regulation Identification Number
3405	SAN No. 4341 National Primary Drinking Water Regulations: Long-Term 2 Enhanced Surface Water Treatment Rule .....	2040-AD37
3406	SAN No. 4342 National Primary Drinking Water Regulations: Stage 2 Disinfection Byproducts Rule .....	2040-AD38
3407	SAN No. 4703 Drinking Water Contaminant Candidate List 2 .....	2060-AD86

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

Sequence Number	Title	Regulation Identification Number
3408	SAN No. 2340 National Primary Drinking Water Regulations: Ground Water Rule .....	2040-AA97
3409	SAN No. 4447 Drinking Water: Regulatory Determinations Regarding Contaminants on the Drinking Water Contaminant Candidate List .....	2040-AD61
3410	SAN No. 4424 Six-Year Review of Existing National Primary Drinking Water Regulations .....	2040-AD67

**EPA**

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

Sequence Number	Title	Regulation Identification Number
3411	SAN No. 2281 National Primary Drinking Water Regulations: Radon .....	2040-AA94
3412	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb .....	2040-AC13
3413	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR .....	2040-AD54
3414	SAN No. 4769 National Primary and Secondary Drinking Water Regulations: Approval of Additional Method for the Detection of Coliforms and E. Coli. in Drinking Water .....	2040-AD90
3415	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements .....	2040-AD94
3416	SAN No. 4745 Drinking Water Contaminant Candidate List 3 .....	2040-AD99
3417	SAN No. 4236 Underground Injection Control: Update of State Programs .....	2040-AD40
3418	SAN No. 4770 Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions .....	2040-AD93

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

Sequence Number	Title	Regulation Identification Number
3419	SAN No. 4638 Unregulated Contaminant Monitoring Regulation: Analytical Method for Aeromonas & National Primary & Secondary Drinking Water Regulations: Analytical Methods for Chemical & Microbiological Contaminants .....	2040-AD81
3420	SAN No. 4764 National Primary Drinking Water Regulations: Minor Revision To Clarify Arsenic Standard .....	2040-AD91
3421	SAN No. 4561 Minor Revisions to the Public Notification Rule, Consumer Confidence Report Rule, and Primacy Rule .....	2040-AD77

**SAFE DRINKING WATER ACT (SDWA)—Discontinued Entries**

Regulation Identification Number	Title	Date	Comments
2040-AD86 2040-AD88	SAN No. 4703 Drinking Water Contaminant Candidate List 2 SAN No. 4703 Drinking Water Contaminant Candidate List 2	05/06/2003 04/09/2003	Duplicate of RIN 2060-AD86 Withdrawn - Duplicate of RIN 2040-AD86

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

Sequence Number	Title	Regulation Identification Number
3422	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations .....	2040-AB85

**Environmental Protection Agency (EPA)**

**Proposed Rule Stage**

**General**

**3005. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 33

**Legal Deadline:** None

**Abstract:** The regulation will codify revisions to the Agency's program for the utilization of Small, Minority and Women's Business Enterprises in procurements under assistance agreements (i.e., grants and cooperative agreements awarded by EPA as well as grants and cooperative agreements awarded by other agencies under interagency agreements with EPA). The

revisions are necessary to ensure consistency with the Supreme Court's decision in *Adarand Constructors, Inc. v. Peña*, 115 S.Ct. 2097 (1995), and were identified as part of the Clinton Administration's review of affirmative action programs. They include: (1) placing greater emphasis on requiring assistance agreement recipients to submit documentation supporting proposed fair share procurement

## EPA—General

## Proposed Rule Stage

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 4056

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**RIN:** 2020-AA39

**3006. INCORPORATION OF CLASS DEVIATIONS INTO EPAAR**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The Agency has approved a number of class deviations (e.g., changes to reporting requirements and monthly progress reports) to the

EPAAR since its promulgation in April 1994. This proposed rule would incorporate most of the class deviations to the EPAAR.

**Timetable:**

Action	Date
NPRM	05/00/03
Final Action	08/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3580

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**RIN:** 2030-AA37

**3007. PROPOSED REVISION TO EPA'S IMPLEMENTING NEPA REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4321

**CFR Citation:** 40 CFR 6

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4292

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**RIN:** 2020-AA42

**3008. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	01/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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**Government Levels Affected:** None

**Additional Information:** SAN No. 4618

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

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**RIN:** 2020-AA44

**3009. PRIVACY ACT REGULATIONS (REVISED)**

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

**Legal Authority:** 5 USC 552a

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	06/00/03
Final Action	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4693

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**RIN:** 2025-AA13

**3010. REVISION TO EPAAR 1552.211-73, LEVEL OF EFFORT**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 1552

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM Pending Legal Review	06/00/03
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4191

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**RIN:** 2030-AA64

**3011. REVISIONS TO ACQUISITION REGULATION CONCERNING CONFLICT OF INTEREST**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	06/00/03
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4319

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

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**RIN:** 2030-AA67

## EPA—General

## Proposed Rule Stage

**3012. • CONTINUATION OF IMPLEMENTING THE EMPOWERMENT INITIATIVE****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	05/00/03
Final Action	07/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4742

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**RIN:** 2030-AA81**3013. PERSISTENT, BIOACCUMULATIVE, AND TOXIC (PBT) POLLUTANTS STRATEGY****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** As described in the Agency's 1998 PBT Strategy, EPA is developing and implementing National Action Plans for certain priority PBT pollutants. These pollutants pose risks because they are toxic, persist in ecosystems, and accumulate in fish and up the food chain. The PBT challenges remaining stem from the pollutants' ability to travel long distances, to transfer rather easily among air, water, and land, and to linger for generations. EPA is forging a new approach to reduce risks from and exposures to priority PBT pollutants through increased coordination among EPA national and regional programs. This approach also requires the significant involvement of stakeholders, including international, state, local, and tribal organizations, the regulated community, environmental groups, and private citizens. EPA is initially focusing action on 12 substances either individually or as categories and two major cross-cutting issues (monitoring and outreach/risk communication). The action plans will use the full range of tools to prevent and reduce releases of these substances. These tools include international, voluntary, outreach, programmatic, remedial, compliance monitoring and assistance, enforcement, research, and regulatory tools. EPA will integrate and sequence actions within and across action plans, and will seek to leverage these actions on international and industry-sector bases. Beyond these first 12 substances EPA will identify additional PBTs for development of National Action Plans. Although these Plans are not regulatory actions, EPA has included them in the Regulatory Agenda to inform the public and regulated community because the Action Plans may discuss regulatory alternatives for consideration.

**Timetable:**

Action	Date
Notice-Multimedia Strategy for PBTs	11/17/98 63 FR 63926

Action	Date
Notice-Draft National Action Plan for Mercury	11/17/98 63 FR 63926
Notice-Proposed National Action Plan for Alkyl-Lead	08/25/00 65 FR 51823
Notice-Proposed National Action Plan for Octachlorostyrene (OCS)	08/25/00 65 FR 51825
Notice-Draft Action Plan for Level 1 Pesticides	11/01/00 65 FR 65314
Notice-Draft Action Plan for Hexachlorobezene (HCB)	12/08/00 65 FR 77026
Notice-Final Action Plan for Alkyl-Lead	07/23/02 67 FR 48177
Notice-Reproposed Action Plan for Mercury	10/00/03
Notice-Draft Action Plan for Benzo(a)pyrene (B(a)P)	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4463

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**RIN:** 2070-AD45

## Environmental Protection Agency (EPA)

Final Rule Stage

## General

**3014. • IMPLEMENTATION OF AUTHORITY TO APPOINT RESEARCH SCIENTISTS UNDER 42 USC****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

**Timetable:**

Action	Date
Direct Final Action	06/00/03

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

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**RIN:** 2030-AA83**3015. IMPLEMENTATION OF CHANGES TO GOVERNMENTWIDE DEBARMENT AND SUSPENSION COMMON RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12549; EO 12689 and FASA**CFR Citation:** 40 CFR 32**Legal Deadline:** None

**Abstract:** Periodically OMB amends the Governmentwide common rule for suspension and debarment of contractors and assistance participants who threaten the integrity of Federal

programs because of criminal misconduct or poor performance. All agencies must issue changes to their individual codified versions to conform to the Common Rule. Recently, the Interagency Suspension and Debarment Coordinating Committee prepared recommendations for comprehensive changes to the Common Rule to conform to changes made in the Federal Acquisition Regulation (FAR) as a result of the Federal Acquisition Streamlining Act (FASA). In addition, several other proposals to improve or change the rule were recommended by various agencies. In December 1996, OMB declined to implement the changes at that time due to differences with some agencies about some changes unrelated to those occasioned by FASA.

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

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

**Timetable:**

Action	Date
NPRM	01/23/02 67 FR 3265
Final Action	10/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3817

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**RIN:** 2030-AA48**3016. CROSS-MEDIA ELECTRONIC REPORTING (ER) AND RECORDKEEPING RULE (CROMERRR)****Priority:** Other Significant**Legal Authority:** PL 104-13; PL 105-277**CFR Citation:** 40 CFR 3 (New); 40 CFR 9 (Revision)**Legal Deadline:** None

**Abstract:** As proposed, the Cross-Media Electronic Reporting (ER) and Recordkeeping Rule (CROMERRR) was intended to provide a uniform legal framework for paperless electronic reporting and recordkeeping, including electronic signature/certification, across EPA's environmental compliance programs. Based on public comment, however, EPA now plans to focus on finalizing the electronic reporting components of the proposed CROMERRR, and to defer further action on the electronic recordkeeping components until a later time. Under current plans, the final electronic reporting (ER) rule will address electronic reporting by companies regulated under all of EPA's programs: air, water, pesticides, toxic substances, wastes, and emergency response. The final rule will remove existing regulatory obstacles to electronic reporting, and it would set requirements for companies choosing to report electronically. In addition, the rule would set the conditions for allowing electronic reporting under State, tribal or local environmental programs that operate under EPA authorization. The final ER rule is intended to make electronic reporting as simple, efficient, and cost-effective as possible for regulated companies, while ensuring that a transition from paper to electronic reporting does not compromise EPA's compliance and enforcement programs. Consequently, the Agency's strategy is to impose as few specific requirements as possible, and to keep those requirements neutral with respect to technology, so the rule will pose no obstacles to adopting new technologies as they emerge. To ensure that authorized programs at the State, tribal, and local levels meet EPA's electronic reporting goals, the final ER rule would specify a set of criteria that these program's must satisfy as they initiate electronic reporting. In response to public comments, EPA is also planning to include provisions for a streamlined process for EPA to review and approve authorized program

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revisions or modifications to allow electronic reporting. EPA is required by the Government Paperwork Elimination Act (GPEA) of 1998 to make the option of electronic reporting and recordkeeping available, where practicable, to its regulated community by October 2003.

**Timetable:**

Action	Date
NPRM	08/31/01 66 FR 46161
Final Action	08/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4270

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**RIN:** 2025-AA07

**3017. FELLOWSHIP GRANT REGULATION REVISION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 46

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	04/04/03 68 FR 16708

Action	Date
Interim Final Rule Effective	05/05/03
Interim Final Rule Comment Period End	06/03/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4572

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**RIN:** 2030-AA77

**3018. BACKGROUND INVESTIGATIONS FOR CONTRACTORS PERFORMING SERVICES ONSITE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** NPRM, Statutory, September 6, 2002.

Final, Statutory, December 5, 2002.

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

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

**Timetable:**

Action	Date
NPRM	01/22/03 68 FR 2988
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4733

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**RIN:** 2030-AA80

**3019. • WASTE ISOLATION PILOT PLANT (WIPP) FY 2002 REPORT TO CONGRESS**

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

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date
Report to Congress	07/00/03

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Additional Information:** SAN No. 4761

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RIN: 2060-AK79

**3020. REGULATORY INCENTIVES FOR THE NATIONAL ENVIRONMENTAL PERFORMANCE TRACK PROGRAM****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The National Environmental Performance Track is designed to recognize facilities that consistently meet their legal requirements and have implemented high-quality environmental management systems, and to encourage them to achieve more by continuously improving their environmental performance and informing and involving the public. Facilities gain entrance to Performance Track by submitting an application that documents that four specific criteria are met: operating environmental management system; commitment to continuous environmental improvement through documented past improvements and future commitments; engaging the public; and a strong record of compliance. To promote participation in the program, and the environmental and other benefits that will come with it, EPA intends to offer several incentives. Among those incentives are the adjustments in current regulatory requirements that are

the subjects of this rulemaking. These include reducing the frequency of reports required under the Maximum Achievable Control Technology (MACT) provisions of the Clean Air Act; streamlined reporting by publicly owned treatment works (POTWs) under the Clean Water Act; extending on-site storage of RCRA waste to 180 days; and soliciting comment on opportunities for Performance Track facilities to consolidate reporting under various environmental statutes into a single report.

**Timetable:**

Action	Date
NPRM	08/13/02 67 FR 52674
Final Action	09/00/03

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 4473

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RIN: 2090-AA13

**3021. EPA AGENCYWIDE PUBLIC INVOLVEMENT POLICY****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency is revising its 1981 Public Participation Policy. The Policy was updated to reflect changes over the intervening years such as additional Agency responsibilities, new regulations, expanded public involvement techniques, and the changed nature of public access due to the Internet. The Policy will provide guidance and direction to EPA officials on reasonable and effective means to involve the public in its regulatory and program decisions.

**Timetable:**

Action	Date
NPRM-Draft Public Involvement Policy	12/28/00 65 FR 82335
Final Public Involvement Policy	05/00/03

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4530

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RIN: 2090-AA23

**3022. PROJECT XL SITE-SPECIFIC RULEMAKING FOR NASA WHITE SANDS TEST FACILITY ELECTRONIC REPORTING IN LAS CRUCES, NEW MEXICO****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The purpose of the NASA White Sands Test Facility (WSTF) Electronic Reporting site-specific rule is to enable the NASA WSTF to electronically submit compliance reports and permit information to the New Mexico Environmental Department (NMED) in lieu of submitting paper reports. The rule will set forth guidelines to ensure that the information submitted by NASA WSTF to NMED is accurate by outlining procedures for data authentication, use of electronic signature and encryption processes.

**Timetable:**

Action	Date
NPRM	10/31/01 66 FR 55050
Final Action	06/00/03

**Regulatory Flexibility Analysis**

Required: No

## EPA—General

## Final Rule Stage

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4536

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**RIN:** 2090-AA27

## Environmental Protection Agency (EPA)

## Long-Term Actions

## General

### 3023. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The Department of Justice proposes to make amendments to its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRA) added definitions of program or activity and program to title VI and added a definition of program or activity to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this proposed regulation explicitly incorporates the CRRA's definition of program or activity and program into the Department's title VI, section 504, and Age Discrimination Act regulations. The Department's proposed regulation will be published as part of a joint notice of proposed rulemaking involving up to 24 Federal agencies.

**Timetable:**

Action	Date
NPRM	12/06/00 65 FR 76460
Final Action	To Be Determined

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4021

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**RIN:** 2020-AA36

### 3024. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS

**Priority:** Substantive, Nonsignificant

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

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

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

**Abstract:** EPA regulations at 40 CFR part 2, subpart B, provide procedures for handling and disclosing information claimed as confidential business information (CBI). Although the current regulations have succeeded in protecting CBI, changes in Agency workload, practice, and statutory authority have made it difficult to

handle CBI activities as expeditiously as desired. EPA is examining its CBI regulations to determine whether changes are needed to make them more efficient and effective. Provision 40 CFR 2.205(c), which automatically protects CBI substantiations claimed as confidential, is being examined individually and as part of the CBI regulations as a whole.

**Timetable:**

Action	Date
NPRM rev CBI Withdrawn	11/23/94 59 FR 60446
12/21/2000, 65 FR 80395	
NPRM - Gen CBI regs Proposal to revise CBI regs--40 CFR Part 2, Subpart B	To Be Determined
Final - Gen CBI regs Final rule revising CBI regs--40 CFR Part 2, Subpart B	To Be Determined

#### Regulatory Flexibility Analysis Required: Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3240

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**RIN:** 2025-AA02

## EPA—General

## Long-Term Actions

**3025. GUIDELINES FOR CARCINOGEN RISK ASSESSMENT****Priority:** Info./Admin./Other**Legal Authority:** Not applicable**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3671

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Phone: 202 564-3358

**RIN:** 2080-AA06

## Environmental Protection Agency (EPA)

## Completed Actions

## General

**3026. • ADMINISTRATIVE CHANGES AND TECHNICAL AMENDMENTS TO EPAAR****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 30 sec 205(c); 63 Stat 390 as amended; 40 USC 486(c); 41 USC 418b**CFR Citation:** 48 CFR 1515 and 1533**Legal Deadline:** None

**Abstract:** The action will remove unnecessary processes from the EPA Acquisition Regulation (EPAAR). An EPA Procurement Workgroup recommended that certain changes be made to the EPA Acquisition Regulation (EPAAR) to remove unnecessary processes from the EPAAR. There is no anticipated impact on small business and state/local/tribal governments.

**Timetable:**

Action	Date	
Direct Final Action	03/14/02	67 FR 11439

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4780

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**RIN:** 2030-AA82**3027. REWRITING OF EPA REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 2**Completed:**

Reason	Date	
Final Action	11/05/02	67 FR 67303

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Alan D. Margolis

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**RIN:** 2025-AA04**3028. CONTRACTOR PERFORMANCE EVALUATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 1509; 48 CFR 1552**Completed:**

Reason	Date	
Final Action	10/31/02	67 FR 66342

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Frances Smith

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**RIN:** 2030-AA79**3029. • PROJECT XL SITE-SPECIFIC RULE FOR INTERNATIONAL PAPER MILL IN JAY, MAINE****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1342 and 1361**CFR Citation:** 40 CFR 430**Legal Deadline:** None

**Abstract:** To allow this XL project to be implemented, the Agency is finalizing a rule that exempts the IP-Androscoggin Mill from the Best Management Practices (BMP) requirements specified in 40 CFR 430.03. This site-specific rule provides that, in lieu of imposing the requirements specified in section 430.03, the permitting authority shall establish conditions for the discharge

## EPA—General

## Completed Actions

of COD and color for this mill on the basis of best professional judgement. Because both EPA and the Maine Department of Environmental Protection will be signatories to the Final Project Agreement (FPA), EPA expects that the requirements for COD and color will be based on the values and procedures specified in the FPA. Subsequent to issuance of this site-specific rule, the appropriate permitting authority(ies) will amend or reissue the IP-Androscoggin effluent discharge permit to remove the requirements corresponding to 40 CFR 430.03 and put in place instead numeric effluent limitations on COD and color that

reflect, in the first phase, current effluent quality and, in the second phase, improved effluent quality resulting from the implementation by the IP-Androscoggin Mill of alternative effluent improvement projects called for by this project.

**Timetable:**

Action	Date
NPRM	05/16/00 65 FR 31120
Final Action	07/27/00 65 FR 46104

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4435

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**RIN:** 2090-AA31

## Environmental Protection Agency (EPA)

## Prerule Stage

## Clean Air Act (CAA)

**3030. • NESHP: PERCHLORETHYLENE DRY CLEANING FACILITIES (SECTION 610 REVIEW)**

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

**Legal Authority:** 42 USC 7412; 5 USC 610

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** On September 22, 1993 (58 FR 49354), EPA promulgated standards to control perchlorethylene emissions from drycleaning facilities under authority of section 112 of the Clean Air Act. These standards are codified in the Code of Federal Regulations at 40 CFR part 63, subpart M. In developing these standards, EPA performed a Regulatory Flexibility Analysis which indicated the rule could have a significant impact on a substantial number of small businesses. EPA then used this analysis to develop the rule in a way that mitigated small-business impact to the extent possible while still fulfilling the Clean Air Act's mandates.

EPA is now initiating a review of this rule under section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA will consider, and solicits comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent

to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by July 31, 2003.

In submitting comments, please reference Docket ID number OAR-2003-0029, and follow the instructions provided in Unit H of the preamble to the Spring Regulatory Agenda.

**Timetable:**

Action	Date
Begin Review	05/00/03
End Review	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4785

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**RIN:** 2060-AK64

**3031. • STANDARDS FOR REFORMULATED AND CONVENTIONAL GASOLINE (SECTION 610 REVIEW)**

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

**Legal Authority:** 42 USC 7545; 5 USC 610

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

**Abstract:** On February 16, 1994, (59 FR 7716), EPA promulgated standards for reformulated and conventional gasoline under authority of section 211 of the Clean Air Act. These standards are codified in the Code of Federal Regulations at 40 CFR part 80. In developing those standards, EPA performed a Regulatory Flexibility Analysis which indicated the rule could have a significant impact on a substantial number of small businesses. EPA then used that analysis to develop the rule in a way that mitigated small-business impact to the extent possible while still fulfilling the Clean Air Act's mandates.

EPA is now initiating a review of this rule under Section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA will consider, and solicits comments on, the following factors: (1) The continued need for the rule; (2) The nature of complaints or comments received concerning the rule; (3) The complexity of the rule; (4) The extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by July 31, 2003.

## EPA—Clean Air Act (CAA)

Prerule Stage

In submitting comments, please reference Docket ID number OAR-2003-0030, and follow the instructions provided in Unit H of the preamble to the Spring Regulatory Agenda.

**Timetable:**

Action	Date
Begin Review	05/00/03
End Review	11/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4786

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**RIN:** 2060-AK65**3032. • INSPECTION/MAINTENANCE PROGRAM REQUIREMENTS (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7511; 5 USC 610**CFR Citation:** 40 CFR 51 subpart S**Legal Deadline:** None

**Abstract:** On November 5, 1992 (57 FR 52950), EPA promulgated a rulemaking laying out the requirements for the automobile inspection and maintenance program under section 182(a)(2)(B)(ii) of the Clean Air Act. These requirements are codified in the Code of Federal Regulations at 40 CFR part 51 subpart S. In developing this rule, EPA performed a Regulatory Flexibility Analysis which indicated the rule could have a significant impact on a substantial number of small entities. EPA then used this analysis to develop

the rule in a way that mitigated small-entity impact to the extent possible while still fulfilling the Clean Air Act's mandates.

EPA is now initiating a review of this rule under Section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA will consider, and solicits comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by July 31, 2003.

In submitting comments, please reference Docket ID number OAR-2003-0031, and follow the instructions provided in Unit H of the preamble to the Spring Regulatory Agenda.

**Timetable:**

Action	Date
Begin Review	05/00/03
End Review	11/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4787

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**RIN:** 2060-AK66**3033. • REVISION TO POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS (VOC)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7671q**CFR Citation:** 40 CFR 51.100(s)**Legal Deadline:** None

**Abstract:** EPA is considering the proposal of revisions to its policy on control of volatile organic compounds (VOC), including the use of photochemical reactivity in controlling VOCs. As a first step, an ANPRM will be issued soliciting public comment on various policy options. Subsequent steps could range from taking no further action to publishing a policy statement in the Federal Register.

**Timetable:**

Action	Date
ANPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4759

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**RIN:** 2060-AK75

**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)**
**Proposed Rule Stage**
**3034. • ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS REQUIREMENTS UNDER CLEAN AIR ACT SECTION 112(R)(7); AMENDMENTS TO THE SUBMISSION SCHEDULE AND DATA REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412(r)

**CFR Citation:** 40 CFR 68

**Legal Deadline:** Other, Statutory, Reports are due to the Agency by 6/21/2004.

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

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

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

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

**Timetable:**

Action	Date
NPRM	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4755

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**RIN:** 2050-AF09

**3035. PETITIONS TO DELIST SOURCE CATEGORIES FROM THE SOURCE CATEGORY LIST, DEVELOPED PURSUANT TO SECTION 112(C) OF THE CLEAN AIR ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

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

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

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4415

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AJ23

### 3036. EVALUATION OF UPDATED TEST PROCEDURES FOR THE CERTIFICATION OF GASOLINE DEPOSIT CONTROL ADDITIVES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA 211

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	01/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4531

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RIN: 2060-AJ61

### 3037. 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 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
NPRM	10/00/03
Final Action	10/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3649

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RIN: 2060-AF72

### 3038. GENERAL CONFORMITY REGULATIONS; REVISIONS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4070

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**3039. • REVISION TO THE GUIDELINE ON AIR QUALITY MODELS (APPENDIX W TO 40 CFR PART 51): ADOPTION OF A PREFERRED GENERAL PURPOSE (FLAT AND COMPLEX TERRAIN) DISPERSION MODEL AND OTHER REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410; CAAA 110(a)(2); CAAA 165(e); CAAA 172(a); CAAA 172(c); 42 USC 7601; CAAA 301(a)(1); CAAA 320

**CFR Citation:** 40 CFR 51.112; 40 CFR 51.160; 40 CFR 51.166; 40 CFR 52.21

**Legal Deadline:** None

**Abstract:** This action would revise the Guideline on Air Quality Models, published as appendix W to 40 CFR part 51. The Guideline provides EPA-recommended models for use in predicting ambient concentrations of pollutants for programs ranging from Prevention of Significant Deterioration (PSD) to State Implementation Plans (SIPs) for controlling air pollution sources. The Guideline fulfills a Clean Air Act mandate for EPA to specify models for air management purposes. This revision would enhance the Guideline by incorporating a new, general-purpose dispersion model called AERMOD, which would replace the existing Industrial Source Complex (ISC3) model in many air-quality assessments, including those involving complex terrain. An earlier version of the AERMOD revision was previously proposed (65 FR 21505, 4/21/2000; see SAN 3470), but not promulgated. We are reproposing it to reflect changes made in response to public comment we received on the April 2000 proposal.

**Timetable:**

Action	Date
NPRM	04/21/00 65 FR 21505
Supplemental NPRM	05/00/03
Final Action	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3470

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**RIN:** 2060-AK60

**3040. NESHAP: PAINT STRIPPING OPERATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

Action	Date
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3746

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**RIN:** 2060-AG26

**3041. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS — EXCLUSION OF 4 COMPOUNDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7407(d)

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** This is a deregulatory action to exclude four compounds from the list of volatile organic compounds (VOCs) on the basis that these compounds make a negligible contribution to tropospheric ozone formation. These four compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C3F7OCH3; 3-ethoxy-, 1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (known as HFE-7500, HFE-s702, T-7145, and L-15381); 1,1,1,2,3,3,3-heptafluoropropane (known as HFC 227ea); and methyl formate (HCOOCH3). These compounds have potential for use as refrigerants, fire suppressants, aerosol propellants, sterilants, blowing agents (used in the manufacture of foamed plastic), and solvents. This action will remove the necessity to control these four compounds as VOCs in State Implementation Plans for attaining the ozone standard.

**Timetable:**

Action	Date
NPRM	05/00/03
Final Action	08/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4683

**Sectors Affected:** 325 Chemical Manufacturing

**Agency Contact:** David Sanders, Environmental Protection Agency, Air

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AK37

### 3042. REVIEW OF MINOR NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

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

governments to implement NSR permitting programs. Tribal governments may be affected, however, insofar as they own or operate sources that must obtain a permit from the EPA under the final Federal permitting program regulations.

#### Timetable:

Action	Date
NPRM	08/00/03
Final Action	08/00/04

#### Regulatory Flexibility Analysis Required: No

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

**Government Levels Affected:** Federal, Tribal

**Additional Information:** SAN No. 3975

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RIN: 2060-AH37

### 3043. IMPLEMENTATION RULE FOR 8-HOUR OZONE NAAQS

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

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** This rule would provide 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, this rulemaking must address the requirements of the CAA and the Supreme Court's ruling. This rule would provide detailed provisions to address the CAA requirements for SIPs and TIPs and would thus affect States and tribes. States with areas that are not attaining the 8-hour ozone NAAQS will have to develop — as part of their SIPs — emission limits and other requirements to attain the NAAQS within the timeframes set forth in the CAA. Tribal lands that are not attaining the 8-hour ozone standard may be affected, and could voluntarily submit a TIP, but would not be required to submit a TIP. In cases where a TIP is not submitted, EPA would have the responsibility for planning in those areas.

#### Timetable:

Action	Date
NPRM	05/00/03
Final Action	12/00/03

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4625

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RIN: 2060-AJ99

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3044. • IMPLEMENTATION RULE FOR PM-2.5 NAAQS****Priority:** Other Significant**Unfunded Mandates:** This action may affect State, local or tribal governments and the private sector.**Legal Authority:** 42 USC 7410; 42 USC 7501 et seq**CFR Citation:** 40 CFR 51**Legal Deadline:** None

**Abstract:** In 1997, EPA promulgated revised National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). The rule described in this paragraph — the Implementation Rule for PM-2.5 NAAQS — will include requirements and guidance for State and local air pollution agencies to develop and submit State implementation plans (SIPs) designed to bring the areas into attainment with the 1997 standards. These SIP-development activities include conducting technical analyses to identify effective strategies for reducing emissions contributing to PM-2.5 levels, and adopting regulations as needed in order to attain the standards. Ambient air quality monitoring for 1999-2001 shows that areas exceeding the standards are located throughout the eastern half of the U.S. and in California. 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
NPRM	09/00/03
Final Action	09/00/04

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4752**Agency Contact:** Richard Damberg, Environmental Protection Agency, Air and Radiation, C504-02, Washington, DC 20460

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**RIN:** 2060-AK74**3045. AMENDMENTS TO STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS (40 CFR PART 60, APPENDIX F, PROCEDURE 3)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411**CFR Citation:** 40 CFR 60**Legal Deadline:** Final, Statutory, June 15, 2001.

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

**Timetable:**

Action	Date
NPRM	10/07/92 57 FR 46114
Supplemental NPRM	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3958**Agency Contact:** Solomon O. Ricks, Environmental Protection Agency, Air and Radiation, MD-19, Washington, DC 20460

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**RIN:** 2060-AH23**3046. PERFORMANCE SPECIFICATION 16 — SPECIFICATIONS AND TEST PROCEDURES FOR PREDICTIVE EMISSION MONITORING SYSTEMS IN STATIONARY SOURCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411**CFR Citation:** 40 CFR 60**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 4119**Sectors Affected:** 33241 Power Boiler and Heat Exchanger Manufacturing; 333611 Turbine and Turbine Generator Set Unit Manufacturing; 333618 Other Engine Equipment Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing**Agency Contact:** Foston Curtis, Environmental Protection Agency, Air and Radiation, MD-19, Washington, DC 20460

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AH84

### 3047. • REVISIONS TO METHODS 3A, 6C, 7E, 10, AND 20

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** Methods 3A, 6C, 7E, 10, and 20 of 40 CFR part 60, appendix A are instrumental methods that are being revised to make their performance criteria consistent. Analyzer calibration error tests and sampling system bias tests now required in Methods 3A, 6C, and 7E are being added to Methods 10 and 20. Inconsistent acceptance criteria for other performance tests and calibration gas quality are also being made uniform. Performance criteria currently determined based on the instrument span is being revised to an emission limit basis. This change will fix the acceptance limits for all source tests on the applicable emission limit and not on a span value that sources have some discretion in choosing. These revisions were proposed on August 27, 1997, in an announcement entitled "Amendments for Testing and Monitoring Provisions." They were considered not significant at that time. The public did not feel that the preamble to the rule provided adequate notice of the changes being made to the methods. The commenters requested a reproposal of these revisions to the instrumental methods to allow for adequate public review. Methods 7F and 7G are new methods that measure nitrogen oxides electrochemically. These methods are being proposed in response to requests made by vendors/sources. These methods will add flexibility to the testing provisions currently in place and will not add requirements or affect the stringency of the underlying emission standards.

**Timetable:**

Action	Date
NPRM	05/00/03
Final Rule	04/00/04

### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4161

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RIN: 2060-AK61

### 3048. NESHAP: PRINTING AND PUBLISHING INDUSTRY; AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

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

### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4310

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RIN: 2060-AI66

### 3049. PETITIONS TO DELIST HAZARDOUS AIR POLLUTANTS: MEK

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, February 28, 2000.

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

**Timetable:**

Action	Date
Denial Notice: Methanol Petition	05/02/01 66 FR 21929
NPRM: MEK-Delist/Denial Notice-3 Petitions by 06/2002	05/00/03
NPRM: EGBE-Delist/Denial Notice	10/00/03
NPRM: MIBK-Delist/Denial Notice	12/00/03

### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4313

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**RIN:** 2060—AI72

### 3050. ELECTRIC UTILITY STEAM GENERATING UNIT MACT REGULATION

**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 7412

**CFR Citation:** 40 CFR 63

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

Final, Judicial, December 15, 2004.

**Abstract:** In December 2000, the EPA determined that regulation of hazardous air pollutant emissions (HAP) from oil- and coal-fired electric utility steam generating units was necessary and appropriate. This finding was based on the results of the study mandated by section 112(n)(1)(A) of the Clean Air Act, as amended. The regulation(s) will be developed under section 112 and will result in standards based on the use of maximum achievable control technology (MACT). The primary benefit will be the reduction of mercury emissions to the atmosphere from coal-fired units but other HAP will also be reduced. Small businesses and State/local/tribal governments could be impacted (particularly those governments owning or operating oil- or coal-fired electric generation facilities).

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** Undetermined

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

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

**Additional Information:** SAN No. 4571

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

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**RIN:** 2060—AJ65

### 3051. PORTLAND CEMENT MANUFACTURING INDUSTRY NESHAP: AMENDMENT TO IMPLEMENT COURT REMAND

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

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

**Legal Deadline:** None

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

#### Timetable:

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4585

**Sectors Affected:** 32731 Cement Manufacturing

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**RIN:** 2060—AJ78

### 3052. NATIONAL EMISSION STANDARDS FOR COKE OVEN BATTERIES — RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, October 27, 2001, National Emission Standards for Coke Ovens - Residual Risk Standards.

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

#### Timetable:

Action	Date
NPRM	08/00/03
Final Action	08/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Additional Information:** SAN No. 4620  
**Sectors Affected:** 331111 Iron and Steel Mills

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**RIN:** 2060-AJ96

### 3053. NESHAP: SOLVENT EXTRACTION FOR VEGETABLE OIL: AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	03/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4672

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

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**RIN:** 2060-AK32

### 3054. NESHAP FOR PRIMARY ALUMINUM REDUCTION PLANTS; AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	05/00/03
Final Action	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4713

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**RIN:** 2060-AK50

### 3055. NESHAP FOR SOURCE CATEGORIES: GENERAL PROVISIONS; AMENDMENTS FOR POLLUTION PREVENTION ALTERNATIVE COMPLIANCE REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4719

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**RIN:** 2060-AK54

**3056. • PETITION TO DELIST A HAZARDOUS AIR POLLUTANT (HAP) SOURCE CATEGORY FROM SECTION 112 OF THE CLEAN AIR ACT — GAS TURBINES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Other, Statutory, 12 months from the date of the receipt of the last information completing the petition.

**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 FR, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the FR providing an explanation of the denial.

**Timetable:**

Action	Date
NPRM or Notice (NPRM Issued Only If Petition Is Granted)	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4751

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

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**RIN:** 2060-AK73

**3057. SECTION 126 RULE WITHDRAWAL PROVISION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7426

**CFR Citation:** 40 CFR 52

**Legal Deadline:** None

**Abstract:** EPA is proposing to revise one narrow aspect of the Section 126 Rule, which was promulgated January 18, 2000. The rule requires certain sources located in the eastern United States to reduce their NOx emissions for purposes of reducing ozone transport. EPA coordinated the Section 126 Rule with a related ozone transport rule, known as the NOx State implementation plan call (NOx SIP Call), which also addresses ozone transport in the eastern United States. The EPA established the same compliance date for both rules, May 1, 2003. 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 proposal would not create any new requirements and there are no associated costs.

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4689

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**RIN:** 2060-AK41

**3058. TRANSPORTATION CONFORMITY AMENDMENTS: RESPONSE TO MARCH 2, 1999, COURT DECISION**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 93

**Legal Deadline:** None

**Abstract:** The Clean Air Act requires EPA to promulgate rules that establish the criteria and procedures for determining whether highway and transit plans, programs, and projects conform to state air quality plans. Conformity means that the transportation actions will not cause or worsen violations of air quality standards or delay timely attainment of the standards. The original conformity rule was finalized on November 24, 1993, and most recently amended on August 15, 1997. On March 2, 1999, the U.S. Court of Appeals overturned certain provisions of the 1997 conformity amendments. This rulemaking will amend the conformity rule in compliance with the court decision. The rulemaking will formalize the May 14, 1999, EPA guidance and the June 18, 1999, DOT guidance that was issued to guide action on this issue until a rulemaking could be issued. Specifically, the rulemaking will clarify the types of projects that can be implemented in the absence of a conforming transportation plan. It will also explain EPA's process for reviewing newly submitted air quality plans and when those submissions can be used for conformity purposes.

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**Timetable:**

Action	Date
NPRM	08/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4340

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**RIN:** 2060-AI56

**3059. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; PROPOSED AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7511b**CFR Citation:** 40 CFR 59**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4309

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

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**RIN:** 2060-AI62

**3060. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NONROAD DIESEL ENGINES AND FUEL**

**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 2002

**CFR Citation:** 40 CFR 89

**Legal Deadline:** None

**Abstract:** On October 23, 1998, EPA finalized emission standards for nonroad compression ignition (i.e., diesel) engines for engines over 37 kW (50hp). The regulation reduced the NOx + HC emissions standard by 30 percent to 37 percent (based on the power class) from the previous 6.9 g/hp-hr NOx and 1.0 g/hp-hr HC standard beginning in 1999. As a follow-up to that 1998 rulemaking, the Agency is now undertaking a technology review, pursuant to the Clean Air Act, to assess whether more stringent standards are now feasible, and to promulgate such standards if the findings are positive. The technology review will reassess the NOx + HC standards and will set the next phase of particulate matter standards for over 37 kW and up to 560 kW. The emission limits will also be reexamined for the under 37 kW scheduled for implementation in 2004. The issue of the sulfur content of nonroad diesel fuel will be raised and consideration given to lowering the fuel sulfur level with an ultimate 15 ppm cap. The certification duty cycle for this class of engines will also be revisited to implement a transient duty cycle that gives some assurance of better in-use control of particulate matter.

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 4675

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**RIN:** 2060-AK27

**3061. • EMISSIONS DURABILITY PROCEDURES FOR NEW LIGHT-DUTY VEHICLES AND LIGHT-DUTY TRUCKS**

**Priority:** Other Significant

**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 preproduction vehicles to determine the rate of emission deterioration over the vehicle's useful life. The options will include a prescribed fixed driving cycle and a prescribed bench aging cycle that are used to age prototype vehicles or emission control components to the equivalent of the useful life period of the vehicle in a manner that replicates the aging that the vehicle or components would see in actual use. This rule does not change the Federal emission standards or the test procedures used to quantify emissions.

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4757

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**Sectors Affected:** 3361 Motor Vehicle Manufacturing

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**RIN:** 2060—AK76

### 3062. CONTROL OF METHYL TERTIARY BUTYL ETHER (MTBE)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** EPA is considering taking action to control the use of Methyl Tertiary Butyl Ether (MTBE), which is an organic compound that is primarily used as a fuel additive in gasoline. MTBE has been used to meet the oxygen requirement established by the Federal Reformulated Gasoline Program (RFG) established by the 1990 amendments to the Clean Air Act (CAA). Over 85 percent of reformulated gasoline contains MTBE. EPA is concerned that the widespread use of MTBE may have resulted in the contamination of groundwater and drinking water supplies, threatening their future use. While current detections levels are generally believed to be below levels that may cause public health concerns, low level MTBE contamination may render water unpotable due to offensive taste and odor. In November of 1998, EPA established a Blue Ribbon Panel to investigate air quality benefits and water quality concerns associated with oxygenates, including MTBE, in gasoline, and to provide independent advice and recommendations on ways to maintain air quality while protecting water quality. In September 1999, the panel recommended that the use of MTBE be substantially reduced. EPA is now evaluating the Blue Ribbon Panel's recommendations, and has conducted a preliminary review of authorities available to address risks associated with MTBE. EPA issued an ANPRM to

inform the public of this preliminary inquiry, and to solicit public comment on possible regulatory action.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** State

**Additional Information:** SAN No. 4393

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**RIN:** 2060—AJ00

### 3063. OPERATING PERMITS: REVISIONS TO PART 70

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** In response to litigation on the operating permits rule regulations, 40 CFR part 70, to provide more effective implementation of part 70, and to address comments provided in response to notices of proposed rulemaking, parts 70, 51, and 52 are being revised. The changes will streamline the procedures for revising stationary-source operating permits issued by State and local permitting authorities under title V of the Clean Air Act.

**Timetable:**

Action	Date
NPRM	08/29/94 59 FR 44460
Supplemental NPRM- Part 71	04/27/95 60 FR 20804
Supplemental NPRM- Part 70	08/31/95 60 FR 45530
NPRM	12/00/03
Final Action	12/00/04

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 3412

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**RIN:** 2060—AF70

### 3064. SELECTION OF SEQUENCE OF MANDATORY SANCTIONS TO BE APPLIED PURSUANT TO SECTION 502 OF THE CLEAN AIR ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7661a(d); 42 USC 7661a(g); 42 USC 7661a(i)

**CFR Citation:** 40 CFR 70

**Legal Deadline:** None

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

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deficiency prompting the finding, applying the offset sanction first eliminates the need for EPA and other agencies to bear the greater administrative and implementation burden of having to effectuate the highway sanction.

**Timetable:**

Action	Date
NPRM	05/00/03
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4700

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**RIN:** 2060-AK46

### 3065. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING CRITICAL AND EMERGENCY USES OF METHYL BROMIDE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7671c

**CFR Citation:** 40 CFR Part 82

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	01/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4535

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**RIN:** 2060-AJ63

### 3066. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES: N-PROPYLBROMIDE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** This rule proposes to add n-propylbromide (nPB) to the list of acceptable substitutes for class I and class II ozone depleting substances used as solvents for general metals, precision, and electronics cleaning, as well as in aerosol solvent applications. This would provide another alternative to solvents with higher ozone depletion potential that industry is interested in using. The rule would propose finding nPB not acceptable as a substitute for use in adhesives due to its toxicity and the greater emissions from that application. The rule also would propose specific conditions on the use of nPB as a solvent. These might include limiting the specific applications in which it may be used to those with low emissions and requiring exposure limits consistent with industry practices. This will ensure that nPB is used in a manner that is safe and environmentally

protective. OSHA does not currently regulate nPB. EPA would revise our ruling to adopt whatever OSHA requires if OSHA later regulates the use of nPB. If finalized as proposed, this rule would be consistent with most existing industry practices and would impose little or no burden on industry.

**Timetable:**

Action	Date
NPRM	05/00/03
Final Action	06/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4599

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

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**RIN:** 2060-AK26

### 3067. PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** This action reinforces the economic incentives related to the transition of Article 5 countries to ozone-depleting substance alternatives. Currently, Article 5 allowances are

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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 establishes Article 5 allowances independent of total production allowances.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4697

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**RIN:** 2060-AK45

### 3068. PROTECTION OF STRATOSPHERIC OZONE: RECONSIDERATION OF SECTION 608 SALES RESTRICTION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82(F)

**Legal Deadline:** None

**Abstract:** The rule will include the reconsideration of the sales restriction as it relates to split systems. The Agency was petitioned to reconsider the part of the sales restriction that included the sale of pre-charged split systems. It restricted such sales to certified technicians. Since then, EPA stayed that portion of the sales restriction in response to the petition. This rule will include the determination of the Agency related to the reconsideration. It addresses environmental problems of ozone depletion resulting from emissions of chlorofluorocarbons, hydrochlorofluorocarbons, and other ozone-depleting substances. Through

restricting sales of certain pre-charged items to persons certified as technicians, emissions to the atmosphere are decreased. The impact on small businesses and governments would be negligible, since persons can become certified if the EPA determination is a full restriction. Most businesses and governments will have at least one certified technician on board. This action has no impact on small business and State, local, and tribal governments.

**Timetable:**

Action	Date
NPRM	05/00/03
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3673

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**RIN:** 2060-AG20

### 3069. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA SULFUR DIOXIDE (SO<sub>2</sub>) AREA

**Priority:** Other Significant

**Legal Authority:** 12 USC 1701 et seq

**CFR Citation:** 40 CFR 52

**Legal Deadline:** None

**Abstract:** The State of Montana submitted a sulfur dioxide (SO<sub>2</sub>) State Implementation Plan (SIP) for the Billings/Laurel, Montana area. On 7/28/99 we proposed to partially approve, conditionally approve and partially disapprove Montana's SO<sub>2</sub> SIP for Billings/Laurel. EPA intends to propose a Federal Implementation Plan (FIP) to cover those parts of the State's plan we disapprove. EPA's FIP will assure that the Billings/Laurel area will attain and maintain the SO<sub>2</sub> NAAQS.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4542

**Sectors Affected:** 32411 Petroleum Refineries

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**RIN:** 2008-AA00

### 3070. PERFORMANCE WARRANTY AND INSPECTION/MAINTENANCE TEST PROCEDURES

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	02/00/04
Final Action	12/00/05

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 3263

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**RIN:** 2060—AE20

**3071. INSPECTION/MAINTENANCE RECALL REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3262

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**RIN:** 2060—AE22

**3072. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 to 7671 CAA 176(c)

**CFR Citation:** 40 CFR 51; 40 CFR 93

**Legal Deadline:** None

**Abstract:** The transportation conformity rule, promulgated in November 1993, ensures that transportation and air quality planning are consistent with Clean Air Act air

quality standards. The Open Market Trading Guidance provides guidance to states for establishing a method to quantify emissions reductions (called discrete emissions reductions or DERs) that can be traded among parties and how such trading should occur. This action will amend the transportation conformity rule to clarify how emissions trading could be reconciled in the conformity process.

**Timetable:**

Action	Date
NPRM	11/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 3917

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**RIN:** 2060—AH31

**3073. INSPECTION MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT TO THE FINAL RULE**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date
NPRM	08/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4348

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**RIN:** 2060—AI97

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3074. RESCINDING FINDING THAT PRE-EXISTING PM10 STANDARDS ARE NO LONGER APPLICABLE IN NORTHERN ADA COUNTY/BOISE, IDAHO****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 50.6(d); 40 CFR 52.676; 40 CFR 81.313**Legal Deadline:** None

**Abstract:** The EPA had previously taken action to revoke the PM-10 national ambient air quality standards (NAAQS) for the Boise/Ada County area in anticipation that a revised PM-10 NAAQS would soon be in place. However, the DC Circuit court subsequently vacated the revised PM-10 NAAQS, the effectiveness of which served as the underlying basis for EPA's decision to revoke the pre-existing PM-10 NAAQS. Therefore, in order to protect public health in the Boise/Ada County area, EPA is proposing to reinstate the pre-existing PM-10 NAAQS. Without this action there would be no Federal PM-10 NAAQS applicable to this area. This action is tentatively subject to the terms of a settlement agreement that was signed by all parties in January 2001. A Federal Register notice of the proposed settlement requesting public comment was published January 30, 2001, in accordance with section 113(g) of the Act. No negative comments were received. EPA/DOJ signed the settlement agreement and the State is in the process of carrying out its obligations under the settlement agreement. The State submitted its maintenance plan for Boise on 9/27/2002. Under the settlement, EPA agreed to take final action on the State's submittal by 9/30/2003.

**Timetable:**

Action	Date
NPRM	06/26/00 65 FR 39321
NPRM Comment Period Extended	07/26/00 65 FR 45953
NPRM	05/00/03
Final Action	09/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4391

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**RIN:** 2060-AJ05

**3075. REVISING REGULATIONS ON AMBIENT AIR QUALITY MONITORING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 50 (Revision); 40 CFR 53 (Revision); 40 CFR 58 (Revision)**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4421**Sectors Affected:** 92411 Air and Water Resource and Solid Waste Management; 334519 Other Measuring and Controlling Device Manufacturing

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**RIN:** 2060-AJ25

**3076. REVISIONS TO REGIONAL HAZE RULE TO ADDRESS CONCERNS RAISED BY DC COURT CIRCUIT REGARDING BEST AVAILABLE RETROFIT TECHNOLOGY (BART)****Priority:** Other Significant**Legal Authority:** 42 USC 7410; 42 USC 7414; 42 USC 7421; 42 USC 7470 to 7479; 42 USC 7491; 42 USC 7492; 42 USC 7601; 42 USC 7602**CFR Citation:** 40 CFR 51.308(e)(1); 40 CFR 51 app Y (New)**Legal Deadline:** None

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

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## Proposed Rule Stage

need to repropose and publish revised BART provisions in the regional haze rule. On July 20, 2001, we proposed guidelines intended to add further clarifications to the BART requirements in the regional haze rule. These proposed BART guidelines also will require a reproposal. The purpose of this rulemaking is to provide the appropriate changes to the BART requirements and guidelines, and to address additional issues related to reasonable progress goals for the visibility program.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4450

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**RIN:** 2060-AJ31

**3077. CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND ENGINES: ALTERNATIVE LOW-SULFUR HIGHWAY DIESEL FUEL TRANSITION PROGRAM FOR ALASKA**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 69 and 80 (Revision)

**Legal Deadline:** None

**Abstract:** This action will carry out a flexibility provision for Alaska that was included in EPA's heavy-duty diesel rule, which was promulgated on January 18, 2001. That rule established more stringent national emission

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

**Timetable:**

Action	Date
NPRM	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4570

**Sectors Affected:** 336112 Light Truck and Utility Vehicle Manufacturing

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**RIN:** 2060-AJ72

**3078. MODIFICATION OF FEDERAL ON-BOARD DIAGNOSTIC REGULATIONS FOR 2004 MODEL YEAR VEHICLES BELOW 14,000 POUNDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1701q

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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## Proposed Rule Stage

**Additional Information:** SAN No. 4583**Sectors Affected:** 33611 Automobile and Light Duty Motor Vehicle Manufacturing**Agency Contact:** Arvon Mitcham, Environmental Protection Agency, Air and Radiation, 6402, Washington, DC 20460  
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**RIN:** 2060-AJ77**3079. MODIFICATION OF AUTHORITY TO GRANT ALTERNATIVE METHOD APPROVALS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	10/00/03

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

Undetermined

**Additional Information:** SAN No. 4547**Agency Contact:** Rima Howell, Environmental Protection Agency, Air and Radiation, D205-02, Research Triangle Park, NC 27711  
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**RIN:** 2060-AJ83**3080. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60 app B; 40 CFR 60 app F**Legal Deadline:** None

**Abstract:** This action proposes Performance Specification 17 (PS-17), Quality Assurance (QA) Procedure 4, and amendments to appendix F, QA Procedure 1. Performance Specification 17 and QA Procedure 4 apply to continuous parameter monitoring systems (CPMS). Many of the rules promulgated under 40 CFR part 63 require owners and operators of affected emission units to install and operate CPMS to monitor various parameters, such as temperature, pressure, flow rate, and pH, associated with the operation and performance of emission control devices. However, few, if any, of those rules specify complete procedures for ensuring the quality of the data measured by CPMS. The proposed PS-17 establishes procedures and other requirements that will ensure that those CPMS are properly selected, installed, and placed into operation. The proposed QA Procedure 4 specifies procedures that will ensure that those CPMS provide quality data on an ongoing basis. Both PS-17 and QA Procedure 4 will help to ensure compliance with emission limitations established under 40 CFR part 63. Procedure 1 of appendix F currently addresses QA procedures for

continuous emission monitoring systems (CEMS) that measure a single pollutant. The proposed amendments to QA Procedure 1 broadens the procedure to address the unique requirements of CEMS that are used for monitoring multiple pollutants. Because several of the regulations promulgated under 40 CFR part 63 require multiple pollutant CEMS, these amendments are needed to ensure those CEMS are operated in a manner that ensures the quality of the emission data collected. This action is not expected to have any impacts on small entities or State, local, or tribal governments.

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4584**Sectors Affected:** 21 Mining; 22 Utilities; 31-33 Manufacturing; 486 Pipeline Transportation; 562212 Solid Waste Landfill; 562213 Solid Waste Combustors and Incinerators**Agency Contact:** Barrett Parker, Environmental Protection Agency, Air and Radiation, EN-341W, D205-02  
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Phone: 919 541-2707  
Email: thompson.fred@epa.gov**RIN:** 2060-AJ86**3081. ADOPTION OF THE AMENDED INTERNATIONAL NOX STANDARD FOR AIRCRAFT ENGINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq; CAA 231 to 232; 42 USC 7571-7572; 5 USC 552(a)**CFR Citation:** 40 CFR 87.1; 40 CFR 87.21; 40 CFR 87.64; 40 CFR 87.71; 40 CFR 87.10; 40 CFR 87.31(b); 40 CFR 87.82; 40 CFR 87.89**Legal Deadline:** None**Abstract:** The purpose of this proposed rulemaking is to amend the existing

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

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4631

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

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**RIN:** 2060-AK01

### 3082. MODIFICATION OF ANTI-DUMPING BASELINES FOR GASOLINE PRODUCED OR IMPORTED FOR USE IN HAWAII, ALASKA, AND THE U.S. TERRITORIES

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

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

negative impact on small businesses or state/local/tribal governments.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4632

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**RIN:** 2060-AK02

### 3083. PERFORMANCE-BASED MEASUREMENT SYSTEM FOR FUELS: CRITERIA FOR SELF-QUALIFYING ALTERNATIVE TEST METHODS; DESCRIPTION OF OPTIONAL STATISTICAL QUALITY CONTROL MEASURES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7545**CFR Citation:** 40 CFR 80**Legal Deadline:** None

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

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

**Timetable:**

Action	Date
NPRM	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4633

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

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**RIN:** 2060-AK03

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Clean Air Act (CAA)

### 3084. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 49 CFR 123

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/08/99 64 FR 48725
Notice	01/26/00 65 FR 4244
Final Action	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4315

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**RIN:** 2009-AA00

### 3085. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; FOUR CORNERS POWER PLANT

**Priority:** Other Significant

**Legal Authority:** 42 USC 1740

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/08/99 64 FR 48731
Final Action	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 3569

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**RIN:** 2009-AA01

### 3086. • AMENDMENT TO SUBPARTS H AND I FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 95-95; CAAA 112(g) and 112(q)

**CFR Citation:** 40 CFR 61

**Legal Deadline:** None

**Abstract:** Subparts H and I of 40 CFR part 61 establish standards under the Clean Air Act for emissions of radionuclides other than radon from Department of Energy (DOE) and other non-DOE federal facilities. Under subparts H and I, regulated entities currently determine compliance with the emission standards by utilizing the approved computer models CAP88 and AIRDOS-PC or any other procedures for which EPA has granted prior approval. Since promulgation of subparts H and I, EPA has developed an additional model, GENII-NESHAPS, which is suitable for regulated entities to use to determine compliance, in addition to the currently-approved models mentioned above. The model was developed to incorporate the internal dosimetry models recommended by the International Commission on Radiological Protection (ICRP) and the

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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
Direct Final Rule	10/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 4768**Agency Contact:** Sanjib Chaki, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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**RIN:** 2060-AK81**3087. OVERVIEW OF RULEMAKINGS FOR THE PURPOSE OF REDUCING INTERSTATE OZONE TRANSPORT****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 51**Legal Deadline:** None

**Abstract:** The Clean Air Act (CAA) requires that a state implementation plan (SIP) contain provisions to prevent a States' facilities or sources from contributing significantly to air pollution that is transported downwind to other States, exacerbating their inability to meet the national ambient air quality standards for ozone. Through a two-year effort known as the

Ozone Transport Assessment Group (OTAG), EPA worked in partnership with the 37 easternmost States and the District of Columbia, industry representatives, and environmental groups to address ozone precursor and ozone transport. This multiyear collaboration resulted in the most comprehensive analysis of ozone transport ever conducted. The OTAG States voted in favor of a range of strategies to reduce nitrogen oxide emissions from utilities and other major sources. Building on the recommendations of OTAG, EPA issued a rule known as the NOx SIP Call (10/27/98, 63 FR 57355) requiring 22 States and the District of Columbia to submit revisions to their SIPs to address the regional transport of nitrogen oxides (a precursor to ozone formation known as NOx). By reducing emissions of NOx, the actions directed by these plans will decrease the formation and transport of ozone across State boundaries in the eastern half of the United States. This rule was challenged in court, and on March 3, 2000, the U.S. Court of Appeals for the District of Columbia issued a decision largely upholding the NOx SIP Call, but remanded four narrow issues to EPA for further rulemaking action. In an August 30, 2000 Court Order, emission reduction measures are required to be in place by May 31, 2004. On June 8, 2001, the Court made a related decision concerning the NOx SIP Call Technical Amendment rulemakings which largely upheld Phase I of the NOx SIP Call, but remanded one issue to EPA. EPA is now addressing the remanded issues in separate rulemakings (see SAN 4433 and SAN 4679 in today's Regulatory Agenda). A notice of data availability was published on 8/3/01 which made new data publicly available for notice-and-comment. A second notice of data availability was published in on March 11, 2002, listing additional items which were made publicly available. Final action was published on 5/1/02 (67 FR 21868). In addition to the SIP Call provisions, Federal Implementation Plans (FIPs) may also be needed to reduce regional transport if any affected State fails to adequately revise its SIP to comply with the NOx SIP call (see SAN 4096 in today's Regulatory Agenda). In addition to the SIP Call remedy, the Clean Air Act also gave States the right to petition EPA to take other Federal action to prevent ozone transport that affects downwind States.

Accordingly, under section 126 of the CAA, eight northeastern States filed petitions requesting EPA to make findings and require decreases in NOx emissions. Subsequently, EPA issued a final rule on the petitions, specifying a NOx emissions trading program as the required Federal remedy (1/18/00, 65 FR 2764). EPA is coordinating all three approaches to regional ozone control - i.e., SIP Call, FIPs, and Section 126 actions - to avoid duplication and maximize effectiveness.

**Timetable:**

Action	Date
NPRM NOx FIPs (SAN 4096)	10/21/98 63 FR 56393
Final Action NOx SIP Call	10/27/98 63 FR 57355
Final Action Section 126 Findings	05/25/99 64 FR 28250
Final Action Section 126 Approvals and Remedy	01/18/00 65 FR 2674
NODA-NOx SIP Call/Section 126 Rule	08/03/01 66 FR 40609
NPRM-Phase II NOx SIP Call Proposal (SAN 4433)	02/22/02 67 FR 8395
NODA-NOx SIP Call/Section 126 Rule	03/11/02 67 FR 10844
Final Action-Data Harmonization/Section 126/NOx SIP Call	04/30/02 67 FR 21522
Final Action-Response to Remands Concerning Growth Factors	05/01/02 67 FR 21868
Final Action-Final Phase II NOx SIP Call (SAN 4433)	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 4466

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RIN: 2060-AJ20

**3088. MOTOR VEHICLE AND ENGINE COMPLIANCE PROGRAM FEES FOR: LIGHT-DUTY VEHICLES AND TRUCKS; HEAVY-DUTY VEHICLES AND ENGINES; NONROAD ENGINES; AND MOTORCYCLES****Priority:** Other Significant**Legal Authority:** 42 USC 7552; 31 USC 9701; 42 USC 4370(c)**CFR Citation:** 40 CFR 86 (Revision)**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	08/07/02 67 FR 51402
Final Action	09/00/03

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

**Sectors Affected:** 333 Machinery Manufacturing; 3331 Agriculture, Construction, and Mining Machinery Manufacturing; 333111 Farm Machinery and Equipment Manufacturing; 333112 Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing; 33312 Construction Machinery Manufacturing; 333131 Mining Machinery and Equipment Manufacturing; 3336 Engine, Turbine, and Power Transmission Equipment Manufacturing; 33651 Railroad Rolling Stock Manufacturing; 3361 Motor Vehicle Manufacturing; 33611 Automobile and Light Duty Motor

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

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RIN: 2060-AJ62

**3089. NESHAP: HYDROCHLORIC ACID PRODUCTION INDUSTRY****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 1857 et seq; 44 USC 350 et seq; 5 USC 605; EO 12291; EO 12866**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Judicial, February 28, 2003.

**Abstract:** Title III of the Clean Air Act Amendments of 1990 requires the EPA to develop emission standards for each major source category of hazardous air pollutants (HAPs). The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator of the EPA. The EPA has determined that some hydrochloric acid plants may be major sources for one or more HAPs. As a consequence, a regulation (emission standards) has been developed for the hydrochloric acid production industry (including fume silica production facilities).

**Timetable:**

Action	Date
NPRM	09/18/01 66 FR 48174
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4104

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

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RIN: 2060-AH75

**3090. REVISION TO THE GUIDELINE ON AIR QUALITY MODELS (APPENDIX W TO 40 CFR PART 51): ADOPTION OF A PREFERRED LONG RANGE TRANSPORT MODEL AND OTHER REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410 CAAA 110(a)(2); CAAA 165(e); CAAA 172(a); CAAA 172(c); 42 USC 7601 CAAA 301(a)(1); CAAA 320**CFR Citation:** 40 CFR 51.112; 40 CFR 51.160; 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None

**Abstract:** This action would revise the Guideline on Air Quality Models, published as appendix W to 40 CFR part 51. The Guideline provides EPA-recommended models for use in predicting ambient concentrations of pollutants for programs ranging from Prevention of Significant Deterioration (PSD) to State Implementation Plans (SIPs) for controlling air pollution sources. The Guideline fulfills a Clean Air Act mandate for EPA to specify

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models for air management purposes. This revision would enhance the Guideline by incorporating a new dispersion model called CALPUFF, a technique for assessing long-range transport of pollutants and their impacts on designated Federal clean-air regions called Class I Areas. It would also make various editorial changes to update and reorganize information to make the Guideline more user-friendly. (It should be noted that this final rule promulgates only a part of the proposal which was published on April 21, 2000, 65 FR 21505. The other principal revision in that April 2000 proposal — the addition of a new, general-purpose dispersion model — is being repropose to reflect changes made in response to public comment ; see SAN 3470.1 elsewhere in today's Regulatory Agenda.)

**Timetable:**

Action	Date
NPRM	04/21/00 65 FR 21505
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3470

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**RIN:** 2060–AF01**3091. NESHAP: COMBUSTION TURBINE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The combustion turbine source category is listed as a major source of hazardous air pollutants (HAPs) under section 112 of the Clean Air Act (CAA). A major source is one which emits more than 10 tons/yr of

one HAP or more than 25 tons/yr of a combination of 189 HAPs. Combustion turbines also emit NOx, SO2, CO, and PM. Combustion turbines are already regulated for NOx and SO2 emissions under section 111 of the CAA. The EPA will gather information on HAP emissions from combustion turbines and determine the appropriate maximum achievable control technology (MACT) to reduce HAP emissions. The EPA information that has already been developed will be used if possible and additional information will be gathered by working with State/local agencies, vendors, manufacturers of combustion turbines, owners and operators of combustion turbines, and environmentalists.

**Timetable:**

Action	Date
NPRM	01/14/03 68 FR 1888
Final Action	08/00/03

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

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**RIN:** 2060–AG67**3092. NESHAP: IRON AND STEEL FOUNDRIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000, See additional information.

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

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

**Timetable:**

Action	Date
NPRM	12/23/02 67 FR 78274
Final Action	08/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3343

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**RIN:** 2060–AE43**3093. NESHAP: INTEGRATED IRON AND STEEL****Priority:** Other Significant**Legal Authority:** 42 USC 7412; CAAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Judicial, February 28, 2003.

**Abstract:** The Clean Air Act, as amended November 1990, requires the EPA to regulate categories of major and area sources of hazardous air pollutants (HAP). The EPA has determined that integrated iron and steel mills emit several of the 188 HAP listed (including compounds of chromium, lead, manganese, toluene, and polycyclic organic matter) in quantities sufficient to designate them as major sources. As a consequence, integrated iron and steel facilities are among the HAP-emitting source categories selected for regulation.

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**Timetable:**

Action	Date
NPRM	07/13/01 66 FR 36836
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3346

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**RIN:** 2060—AE48**3094. NESHAP: REINFORCED PLASTIC COMPOSITES PRODUCTION****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, November 15, 2000.  
Final, Statutory, February 28, 2003, Settlement Agreement for Administrator's Signature.

**Abstract:** Project is to develop a NESHAP for the source category which involves the manufacture of composite products involving thermoset resins and re-enforcements. Some of the specific products in the source category are tubs/showers, auto/truck parts, appliances, furniture, piping, construction materials, sporting goods using such materials, and intermediate compounds such as bulk molding compound and sheet molding compounds. The most common HAP in the resins used is styrene, which is present in polyester and vinyl ester resins as a monomer. Styrene is listed as a candidate urban area source HAP. So is methylene chloride, which is sometimes used for cleaning, and xylenes, which may appear in some mold release formulas. All HAP, except for methylene chloride, are also VOC's.

**Timetable:**

Action	Date
NPRM	08/02/01 66 FR 40324
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3326

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**RIN:** 2060—AE79**3095. NESHAP: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING****Priority:** Other Significant**Legal Authority:** 42 USC 7412; CAAA 112**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

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

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

**Sectors Affected:** 325 Chemical Manufacturing

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**RIN:** 2060—AE82**3096. NESHAP: RECIPROCATING INTERNAL COMBUSTION ENGINE**

**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 7412; CAA 112; PL 101-549

**CFR Citation:** 40 CFR 63

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

**Abstract:** The stationary reciprocating internal combustion engine source category is listed as a major source of hazardous air pollutants (HAPs) under section 112 of the Clean Air Act (CAA). A major source is one which emits more than 10 tons/yr of one HAP or more than 25 tons/yr of a combination of 189 HAPs. The EPA will gather information on HAP emissions from internal combustion engines and determine the appropriate maximum achievable control technology (MACT) to reduce HAP emissions. The EPA will use information that has already been developed, if possible, by gathering information by working with State/local agencies, vendors, manufacturers of internal combustion engines, owners and operators of internal combustion engines, and environmentalists.

**Timetable:**

Action	Date
NPRM	12/19/02 67 FR 77830
Final Action	02/00/04

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

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

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**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 3656

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**RIN:** 2060-AG63

### 3097. NESHAP: INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL BOILERS AND PROCESS HEATERS

**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 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** The Clean Air Act, as amended in 1990, requires EPA to develop emission standards for sources of hazardous air pollutants (HAPs). Industrial boilers, institutional/commercial boilers and process heaters are among the potential source categories to be regulated under section 112 of the CAA. Emissions of HAPs will be addressed by this rulemaking for both new and existing sources. EPA promulgated an NSPS for these source categories in 1987 and 1990. The standards for the NESHAP are to be technology-based and are to require the maximum achievable control technology (MACT) as described in section 112 of the CAA.

**Timetable:**

Action	Date
NPRM	01/13/03 68 FR 1660
Final Action	02/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3837

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**RIN:** 2060-AG69

### 3098. NESHAP: SEMICONDUCTOR PRODUCTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.  
Final, Judicial, February 28, 2003.

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3902

**Sectors Affected:** 334413 Semiconductor and Related Device Manufacturing

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**RIN:** 2060-AG93

### 3099. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS COATING MANUFACTURING

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3452

**Sectors Affected:** 325 Chemical Manufacturing

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**RIN:** 2060-AK59

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**3100. METHODS FOR MEASUREMENT OF VISIBLE EMISSIONS — ADDITION OF METHODS 203A, 203B, AND 203C TO APPENDIX M OF PART 51****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401(b)(1); 42 USC 7410; 42 USC 7470 to 7479; 42 USC 7501 to 7508; 42 USC 7601(a)**CFR Citation:** 40 CFR 51**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 2915

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**RIN:** 2060-AF83**3101. ADDITION OF METHOD 207 TO APPENDIX M OF 40 CFR PART 51 METHOD FOR MEASURING ISOCYANATES IN STATIONARY SOURCE EMISSIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 51**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	12/08/97 62 FR 64532
Final Action	06/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3900

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**RIN:** 2060-AG88**3102. INTERSTATE OZONE TRANSPORT: RESPONSE TO COURT DECISIONS ON THE NOX SIP CALL, NOX SIP CALL TECHNICAL AMENDMENTS, AND SECTION 126 RULES****Priority:** Other Significant**Legal Authority:** 42 USC 7410(a)(2)(D); 42 USC 7410(k)(5)**CFR Citation:** 40 CFR 51 (Revision)**Legal Deadline:** None

**Abstract:** On October 27, 1998 (63 FR 57355), EPA issued a rule to reduce smog in the eastern half of the country. The rule required 22 States and the District of Columbia to reduce emissions of nitrogen oxides (NOx), which reacts with other chemicals in the atmosphere to form smog. EPA required these reductions because pollution from each of these States was transported by the wind and significantly contributed to unhealthy air quality in downwind States. In response to litigation from several parties on the NOx SIP call, the United States Court of Appeals for the District of Columbia issued a decision on March 3, 2000, making it clear that EPA and States can and should move forward to implement this regional strategy. The ruling remanded certain relatively minor portions of the original rule back to the EPA. This rulemaking covers the portion of the rule associated with the remanded issues: certain cogeneration units, internal combustion engines, the partial State requirements for Georgia and Missouri, and the exclusion of Wisconsin. In this rulemaking, EPA will consider the partial State issue for Alabama and Michigan and propose SIP submittal dates and compliance dates as well. The D.C. Circuit Court also remanded, or remanded and vacated, the cogeneration unit issue in decisions on the NOx SIP Call Technical Amendments, and section 126 rule on June 8, 2001, and May 15, 2001, respectively. These remands will also be addressed in this rulemaking.

**Timetable:**

Action	Date
NPRM	02/22/02 67 FR 8395
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4433

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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RIN: 2060-AJ16

**3103. NSPS: SOCMI — WASTEWATER AND AMENDMENT TO APPENDIX C OF PART 63 AND APPENDIX J OF PART 60**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/12/94 59 FR 46780
First Supplemental NPRM	10/11/95 60 FR 52889
Second Supplemental NPRM-Appendix J to Part 60	12/09/98 63 FR 67988
Final Action	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3380

**Sectors Affected:** 3251 Basic Chemical Manufacturing

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RIN: 2060-AE94

**3104. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: MUNICIPAL SOLID WASTE LANDFILLS: AMENDMENT**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This action will amend the existing regulation entitled Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills, subpart WWW of 40 CFR part 60, promulgated on March 12, 1996. The amendment is being undertaken in response to requests to clarify our intent regarding what constitutes an adequate landfill gas treatment system. This action also clarifies our intent to exempt from control landfill gas that is treated/upgraded. Furthermore, it 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
NPRM-NSPS: Municipal Solid Waste Landfills	05/23/02 67 FR 36476
Final Action	08/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4478

**Sectors Affected:** 562212 Solid Waste Landfill

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RIN: 2060-AJ41

**3105. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: VOLATILE ORGANIC LIQUID STORAGE VESSELS; AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	02/24/03 68 FR 8574
Final Action	12/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4508

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

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RIN: 2060-AJ53

## EPA—Clean Air Act (CAA)

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**3106. ELECTRIC ARC FURNACE NSPS AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411**CFR Citation:** 40 CFR 60.270 to 60.276a**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	10/16/02 67 FR 64014
Final Action	08/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4555

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**RIN:** 2060-AJ68**3107. PROPOSED AMENDMENTS TO PERFORMANCE STANDARDS AND MONITORING REQUIREMENTS FOR PARTICULATE MATTER AT STATIONARY SOURCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411**CFR Citation:** 40 CFR 60 app B; 40 CFR 60 app F**Legal Deadline:** None

**Abstract:** This action would repropose some monitoring specifications that were originally included in an OSWER proposal to regulate air emissions from hazardous waste combustors (as explained further below). It revises several standards and requirements related to continuous emission monitoring systems for particulate matter (PM). These include:

specifications and test procedures known as Performance Specification 11 (PS-11), and quality assurance requirements known as "Procedure 2." The proposed revisions clarify and update performance standards and monitoring requirements for facilities required to install and use continuous monitoring equipment to measure particulate matter emissions from stacks and ducts. The action does not change any emission standards or add any additional recordkeeping requirements. This action is a supplement to actions by EPA's OSWER that included proposed regulations for hazardous waste combustors. The first action was published in the Federal Register on December 30, 1997 (62 FR 67788). Recent OAR field studies have revealed needed revisions to PS-11 and Procedure 2. In view of the significant amount of time that has passed since the last proposal was published (December 30, 1997) and the significant amount of knowledge we have recently gained from our field studies, we believe that a supplemental proposal and another opportunity for the public to comment on PS-11 and Procedure 2 are appropriate.

**Timetable:**

Action	Date
NPRM	12/12/01 66 FR 64176
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4605

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

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**RIN:** 2060-AJ88**3108. REVISION OF COMBUSTION TURBINES NSPS — PART 60, SUBPART GG****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 60 (Revision)**Legal Deadline:** None

**Abstract:** The NSPS for Combustion Turbines has not been revised since 1980. Revisions are needed to reduce the burden on EPA and State/local agencies, of approving, on a case by case basis, alternate testing and monitoring protocols due to advances in emission control technologies. The revisions are also intended to bring consistency between the monitoring and testing requirements in the Combustion Turbines NSPS (part 60) and the Acid Rain Program (part 75) so that the same data can be used to comply with both regulations.

**Timetable:**

Action	Date
Direct Final Rule	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4681

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

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## EPA—Clean Air Act (CAA)

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**3109. NESHAP: MERCURY CELL CHLOR-ALKALI PLANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112(c)(6) of the Clean Air Act requires us to list categories of sources for seven specific pollutants (including mercury) assuring that sources accounting for not less than 90 percent of the aggregate emissions of each pollutant are subject to standards pursuant to section 112(d)(2). Chlor-alkali plants are among the source categories listed to achieve the 90 percent goal for mercury. Currently, the source category includes 11 plants located in 10 states engaged in the production of chlorine and caustic using mercury cells. Together, these plants account for 45 percent of the nationwide mercury inventory for non-combustion sources.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3449

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**RIN:** 2060-AE85

**3110. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS**

**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 7412(d)

**CFR Citation:** 40 CFR 63

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

**Abstract:** This project is to develop national emission standards for hazardous air pollutants (NESHAP) by establishing maximum achievable control technology (MACT) for facilities manufacturing wood panels and engineered wood products. MACT standards are under development to reduce the release of hazardous air pollutants (HAP) from all industries to protect the public health and environment. Emissions of HAP from this industry have been associated with, but are not limited to, the drying of wood and binders. This rule is anticipated to apply to the manufacture of products involving wood and some kind of binder or bonding agent. This project may include, but is not limited to, facilities that manufacture waferboard, hardboard fiber board (MDF), oriented strandboard (OSB), medium density fiberboard, particleboard, strawboard, hardwood and softwood plywood, glue-laminated lumber, laminated veneer lumber, and engineered wood products. The source category may also include lumber drying kilns at sawmills which are located on the same site as a facility that manufactures any of the wood products mentioned above. The project may also include some coatings operations. The name of the source category was formerly Plywood and Particleboard MACT.

**Timetable:**

Action	Date
NPRM	01/09/03 68 FR 1276
Final Action	02/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3820

**Sectors Affected:** 32121 Veneer, Plywood, and Engineered Wood Product Manufacturing

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**RIN:** 2060-AG52

**3111. NESHAP: METAL FURNITURE (SURFACE COATING)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, February 28, 2003, Settlement Agreement for the Administrator's signature.

**Abstract:** This regulation will apply to surface coating of metal furniture products and parts. This regulation will reduce nationwide emissions of HAPs from surface coating of metal furniture products and parts, which is required under section 112 of the Clean Air Act.

**Timetable:**

Action	Date
NPRM	04/24/02 67 FR 20206
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3824

**Sectors Affected:** 337124 Metal Household Furniture Manufacturing; 33636 Motor Vehicle Fabric Accessories and Seat Manufacturing; 337215 Showcase, Partition, Shelving, and Locker Manufacturing; 337127 Institutional Furniture Manufacturing; 332116 Metal Stamping; 332612 Wire Spring Manufacturing; 337215 Showcase, Partition, Shelving, and Locker Manufacturing

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## EPA—Clean Air Act (CAA)

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RIN: 2060-AG55

### 3112. NESHAP: MISCELLANEOUS METAL PARTS AND PRODUCTS (SURFACE COATING)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

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

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

**Additional Information:** SAN No. 3825

**Sectors Affected:** 331111 Iron and Steel Mills; 33121 Iron and Steel Pipes and Tubes Manufacturing from Purchased Steel; 331221 Cold-Rolled Steel Shape Manufacturing; 331316 Aluminum Extruded Product Manufacturing; 331319 Other Aluminum Rolling and Drawing; 331511 Iron Foundries; 332311 Prefabricated Metal Building and Component Manufacturing; 33612 Heavy Duty Truck Manufacturing; 335312 Motor and Generator Manufacturing; 33312 Construction

Machinery Manufacturing; 332312 Fabricated Structural Metal Manufacturing; 326291 Rubber Product Manufacturing for Mechanical Use; 336212 Truck Trailer Manufacturing

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RIN: 2060-AG56

### 3113. PLASTIC PARTS AND PRODUCTS (SURFACE COATING) NESHAP

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

#### Timetable:

Action	Date
NPRM	12/04/02 67 FR 72276
Final Action	08/00/03

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3826

**Sectors Affected:** 337214 Nonwood Office Furniture Manufacturing; 32614 Polystyrene Foam Product Manufacturing; 32615 Urethane and Other Foam Product (except Polystyrene) Manufacturing; 326199 All Other Plastics Product Manufacturing; 333313 Office Machinery Manufacturing; 33422 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 336999 All Other Transportation Equipment

Manufacturing; 339111 Laboratory Apparatus and Furniture Manufacturing; 339112 Surgical and Medical Instrument Manufacturing; 33992 Sporting and Athletic Goods Manufacturing; 33995 Sign Manufacturing; 339999 All Other Miscellaneous Manufacturing

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RIN: 2060-AG57

### 3114. NESHAP: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, February 28, 2003.

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

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**Timetable:**

Action	Date
NPRM	11/21/01 66 FR 58610
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3655**Sectors Affected:** 324122 Asphalt Shingle and Coating Materials Manufacturing; 32411 Petroleum Refineries

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**RIN:** 2060-AG66**3115. NESHAP: REFRACTORY PRODUCTS MANUFACTURING****Priority:** Other Significant**Legal Authority:** 42 USC 7412; CAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

Final, Judicial, February 28, 2003.

**Abstract:** The proposed rulemaking will apply to existing and new refractory products manufacturing facilities. There are approximately 8 existing refractory products manufacturing facilities in the United States located at major source facilities. It is estimated that no new refractory products manufacturing facilities will be built at least for the next 3 years. The HAP that will be reduced by this proposed rule are polycyclic organic matter (POM), phenol, formaldehyde, methanol, and ethylene glycol. Implementation of the proposed rule would reduce emissions of air toxics by approximately 132 tons per year, a reduction of 46 percent from current levels. No significant adverse economic impact is expected to occur as a result

of implementing this proposed rulemaking. The capital cost associated with the proposed rulemaking is approximately \$3.5 million. The total annual cost of the proposed rulemaking is approximately \$1.7 million.

**Timetable:**

Action	Date
NPRM	06/20/02 67 FR 42108
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3652

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**RIN:** 2060-AG68**3116. NESHAP: LIME MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq; 44 USC 350 et seq; 5 USC 605**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

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

**Timetable:**

Action	Date
NPRM	12/20/02 67 FR 78046
Final Action	08/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3651**Sectors Affected:** 32741 Lime Manufacturing

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**RIN:** 2060-AG72**3117. NESHAP: SURFACE COATING OF METAL CANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

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

**Timetable:**

Action	Date
NPRM	01/15/03 68 FR 2110
Final Action	08/00/03

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

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

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**RIN:** 2060—AG96

### 3118. NESHAP: PRINTING, COATING, AND DYEING OF FABRICS AND OTHER TEXTILES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This action will result in the reduction of hazardous air pollutants (HAP) emitted from fabric and other textiles printing, coating, and dyeing.

**Timetable:**

Action	Date
NPRM	07/11/02 67 FR 46028
Final Action	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 3909

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

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**RIN:** 2060—AG98

### 3119. NESHAP: SURFACE COATING OF AUTOMOBILES AND LIGHT-DUTY TRUCKS

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

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The Clean Air Act, as amended in 1990, requires EPA to develop emission standards for sources of hazardous air pollutants (HAPs). The surface coating of new automobiles and light-duty trucks is among the source categories to be regulated under section 112 of the CAA. Emissions of HAPs will be addressed by this rulemaking for both new and existing sources. EPA promulgated an NSPS for this source category in 1980. The standards for the NESHAP are to be technology-based and are to require the maximum achievable control technology as described in section 112 of the CAA.

**Timetable:**

Action	Date
NPRM	12/24/02 67 FR 78612
Final Action	02/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 3907

**Sectors Affected:** 33611 Automobile and Light Duty Motor Vehicle Manufacturing; 33612 Light Truck and Utility Vehicle Manufacturing; 336211 Motor Vehicle Body Manufacturing

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**RIN:** 2060—AG99

### 3120. NESHAP: WOOD BUILDING PRODUCTS (SURFACE COATING)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.  
Final, Judicial, February 28, 2003.

**Abstract:** This action will result in the reduction of hazardous air pollutants (HAP) emitted by the wood building product surface coating industry.

**Timetable:**

Action	Date
NPRM	06/21/02 67 FR 42400
Final Action	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3904

**Sectors Affected:** 321212 Softwood Veneer and Plywood Manufacturing; 321219 Reconstituted Wood Product Manufacturing; 321911 Wood Window and Door Manufacturing; 321918 Other Millwork (including Flooring); 321999 All Other Miscellaneous Wood Product Manufacturing; 321211 Hardwood Veneer and Plywood Manufacturing; 32199 All Other Wood Product Manufacturing

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**RIN:** 2060—AH02

### 3121. NESHAP: PRIMARY MAGNESIUM REFINING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

## EPA—Clean Air Act (CAA)

Final Rule Stage

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

**Timetable:**

Action	Date
NPRM	01/22/03 68 FR 2970
Final Action	08/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 3924

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**RIN:** 2060-AH03

**3122. NESHAP: SITE REMEDIATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 3968

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**RIN:** 2060-AH12

**3123. NESHAP: ORGANIC LIQUIDS DISTRIBUTION (NON-GASOLINE)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3971

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**RIN:** 2060-AH41

**3124. NESHAP: COKE OVENS: PUSHING, QUENCHING, AND BATTERY STACKS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.  
Final, Judicial, February 28, 2003, Settlement Agreement for Administrator's Signature.

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

**Timetable:**

Action	Date
NPRM	07/03/01 66 FR 35326
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4022

**Sectors Affected:** 324199 All Other Petroleum and Coal Products

## EPA—Clean Air Act (CAA)

## Final Rule Stage

Manufacturing; 331111 Iron and Steel Mills

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**RIN:** 2060-AH55

### 3125. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	06/05/02 67 FR 38810
Final Action	08/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4115

**Sectors Affected:** 332813 Electroplating, Plating, Polishing, Anodizing and Coloring

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**RIN:** 2060-AH69

### 3126. NESHAP: FUMED SILICA PRODUCTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1857 et seq; EO 12291

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/18/01 66 FR 48174
Final Action	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4111

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

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**RIN:** 2060-AH72

### 3127. NESHAP: ASPHALT/COAL TAR APPLICATION ON METAL PIPES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4107

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

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## EPA—Clean Air Act (CAA)

Final Rule Stage

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RIN: 2060-AH78

**3128. NESHAP: CLAY CERAMICS MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** Ceramics are defined as a class of inorganic, nonmetallic solids that are subject to high temperature in manufacture and/or use. The clay ceramics manufacturing source category includes facilities that manufacture traditional ceramics. Traditional ceramics include ceramic tile, dinnerware, sanitaryware, pottery, and porcelain. The primary raw material used in the manufacture of traditional ceramics is clay. The manufacture of clay ceramics involves raw material processing (crushing, grinding, and screening), mixing, forming, shaping, drying, glazing, and firing.

**Timetable:**

Action	Date
NPRM	07/22/02 67 FR 47894
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4343

**Sectors Affected:** 327122 Ceramic Wall and Floor Tile Manufacturing; 327111 Vitreous China Plumbing Fixture and China and Earthenware Fittings and Bathroom Accessories Manufacturing

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RIN: 2060-AI68

**3129. NESHAP: ENGINE TEST CELLS/STANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, February 28, 2003, Settlement Agreement for Administrator's Signature.

**Abstract:** As required by section 112(c) of the Clean Air Act, the Environmental Protection Agency has developed a list of categories of sources of hazardous air pollutants (HAPs). The HAP's are listed in section 112(b) of the Clean Air Act. The Engine Test Facilities source category are included on EPA's list of sources of HAPs. The Engine Test Facilities source category includes any facility engaged in the testing of stationary or mobile engines, including turbines and reciprocating engines and rocket engines. Aircraft engine testing consists of facilities which perform testing on uninstalled aircraft engines. Non-aerospace engine test facilities consists of facilities which perform testing on uninstalled engines such as automotive engines, stationary turbines, IC engines, and diesel engines.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4144

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RIN: 2060-AI74

**3130. NESHAP: TACONITE IRON ORE PROCESSING INDUSTRY****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, May 1, 2001.

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

**Timetable:**

Action	Date
NPRM	12/18/02 67 FR 77562
Final Action	08/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 4380

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RIN: 2060-AJ02

**3131. NESHAP: FLEXIBLE POLYURETHANE FOAM FABRICATION OPERATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 7412

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, November 15, 2000.  
Final, Judicial, February 28, 2003.

**Abstract:** The Clean Air Act (CAA) requires development of emission standards for major sources emitting any of the hazardous air pollutants (HAP) listed in section 112(b) of the CAA. The EPA is promulgating a rule to reduce emissions of toxic air pollutants from flexible polyurethane foam fabrication operations. Toxic air pollutants, or air toxics, are those pollutants known, or suspected, to cause cancer and other serious health problems. EPA identified two subcategories under the flexible polyurethane foam fabrication operations source category. These subcategories are loop splitter HAP-based adhesive use and flame lamination. Loop splitters are equipment at foam fabrication operations that are used to slice large foam blocks into thin sheets. Flame lamination refers to the bonding of foam to other substrates (i.e., cloth, foam, plastic, and other materials), where the bonding agent is scorched or melted foam.

**Timetable:**

Action	Date
NPRM	08/08/01 66 FR 41718
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4449

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**RIN:** 2060-AJ19

**3132. CLARIFICATION TO EXISTING PART 63 NESHAP DELEGATIONS' PROVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR Part 63

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	01/16/02 67 FR 2286
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4426

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**RIN:** 2060-AJ26

**3133. NESHAP: GASOLINE DISTRIBUTION FACILITIES — AMENDMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4479

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**RIN:** 2060-AJ42

**3134. BENZENE WASTE OPERATIONS NESHAP; AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 61

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Direct Final Rule	11/12/02 67 FR 68526
Partial Withdrawal of Direct Final Rule	02/06/03 68 FR 6082
Final Action	05/00/03

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4591

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

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**RIN:** 2060-AJ87**3135. NESHAP: BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Judicial, February 28, 2003, Settlement Agreement.

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

**Timetable:**

Action	Date
NPRM	07/22/02 67 FR 47894
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4325

**Sectors Affected:** 327121 Brick and Structural Clay Tile Manufacturing; 327123 Other Structural Clay Product Manufacturing

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**RIN:** 2060-AJ91**3136. NESHAP: CHLORINE PRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

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

or more NESHAP. Section 112(d)(4) gives us the discretion to consider risk in issuing MACT standards for pollutants for which a health threshold has been established, provided that the public health is protected with an ample margin of safety. Chlorine and HC1 are both threshold pollutants for which we have defined threshold values in the form of Inhalation Reference Concentrations (RfCs). We have modeled chlorine and HC1 emissions from each of the 20 chlor-alkali plants and have determined that none of the plants emit chlorine or HC1 in quantities that result in human exposures in the ambient air at levels approaching the threshold values. Therefore, we conclude that no further control or regulation is necessary. NOTE: Three of the 20 chlor-alkali plants operate mercury cells. We are addressing mercury emissions from mercury cell chlor-alkali plants in a separate proposal, which is currently under development. To facilitate comment, we plan to publish both the mercury cell proposal and this action on chlorine production in the same issue of the Federal Register.

**Timetable:**

Action	Date
NPRM	07/03/02 67 FR 44713
Final Action	08/00/03

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

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**RIN:** 2060-AK38**3137. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAA 112

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**CFR Citation:** 40 CFR 63**Legal Deadline:** None

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

**Timetable:**

Action	Date
Direct Final Action	06/00/03

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

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**RIN:** 2060-AK49

### 3138. NESHAP FOR PETROLEUM REFINERIES: CATALYTIC CRACKING UNITS, CATALYTIC REFORMING UNITS, AND SULFUR RECOVERY UNITS; AMENDMENTS

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

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

**Timetable:**

Action	Date
Direct Final Rule	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4714

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**RIN:** 2060-AK51

### 3139. NESHAP: SOURCES CATEGORIES: GENERAL PROVISIONS; AND REQUIREMENTS FOR CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS 112(G) AND 112(J)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63 (Revision)**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM Final Action	12/09/02 67 FR 72875 05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State**Additional Information:** SAN No. 4715

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**RIN:** 2060-AK52

### 3140. NESHAP: SECONDARY ALUMINUM INDUSTRY AMENDMENTS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Judicial, December 15, 1999.

**Abstract:** EPA promulgated MACT to control emissions of HAP from the secondary aluminum production industry on March 23, 2000. After publication, two groups representing four industry trade groups filed a petition for review of the rule. EPA reached an initial settlement agreement with industry to develop a separate rule for aluminum die casters, aluminum foundries, and aluminum extruders and publish a proposed stay of the rule with respect to these sources. Later the EPA reached a separate settlement agreement with groups representing aluminum die casters, aluminum foundries, and aluminum extruders that resulted in these groups remaining subject to the rule with certain technical changes to the rule itself. A final rule to implement certain compliance date changes contained in the settlement agreements was published on September 24, 2002. A final rule to implement changes to applicability and testing and compliance requirements was published on December 30, 2002. One more final rule is under development to promulgate the remaining changes.

**Timetable:**

Action	Date
Direct Final Rule Amendments	06/14/02 67 FR 41118
NPRM Amendments	06/14/02 67 FR 41125
Withdrawal of Direct Final Rule Amendments	08/13/02 67 FR 52616
Final Rule	09/24/02 67 FR 59787
Final Rule	12/30/02 67 FR 79808
Final Action	05/00/03

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4723**Sectors Affected:** 331314 Secondary Smelting and Alloying of Aluminum**Agency Contact:** John Schaefer, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711

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**RIN:** 2060—AK57**3141. • NESHAP: ETHYLENE PROCESSES; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63 subparts XX and YY**Legal Deadline:** None

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

**Timetable:**

Action	Date
Direct Final Rule	06/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4763**Agency Contact:** Warren R. Johnson Jr., Environmental Protection Agency, Air

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**RIN:** 2060—AK80**3142. • NESHAP: RUBBER TIRE MANUFACTURING: TECHNICAL CORRECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** On July 9, 2002, EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Rubber Tire Manufacturing industry. The rule included standards for four specific source subcategories (i.e., tire production, tire cord production, puncture sealant, and rubber processing). The Rubber Manufacturing Association (RMA) subsequently petitioned us concerning the definition of cements and solvents, and requested a small change to the definition of a term used in an equation for determining compliance with the tire production subcategory. The EPA had also identified these as necessary technical corrections. The amendments to the rule change the definition of "cements and solvents" to conform to the language identified by both the RMA and us prior to the publication of the rule on July 9, 2002. The revised definition does not change the intent of the original standards, but it is clearer and consistent with the intended meaning of affected cements and solvents used in tire manufacturing. The amendments are expected to have little or no impact on the plants now covered by the rubber tire manufacturing rule. No adverse economic impacts are expected. The total nationwide capital and annual costs associated with the amendments are negligible. No price impacts are projected. No significant impacts on a substantial number of small entities are expected.

**Timetable:**

Action	Date
Direct Final Rule	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4773**Sectors Affected:** 326211 Tire Manufacturing (except Retreading); 326212 Tire Retreading; 314992 Tire Cord and Tire Fabric Mills**Agency Contact:** Tony Wayne, Environmental Protection Agency, Air and Radiation, C435-D, Research Triangle Park, NC 27711

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**RIN:** 2060—AK82**3143. • AMENDMENT TO PROJECT XL SITE-SPECIFIC RULEMAKING FOR GEORGIA-PACIFIC CORPORATION FACILITY IN BIG ISLAND, VIRGINIA****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63.863(c)(1) Revision; 40 CFR 63.867(a)(2) Revision**Legal Deadline:** None

**Abstract:** Under the Project XL program, the EPA is supporting a project for the Georgia-Pacific Corporation facility in Big Island, Virginia. On March 26, 2001, the EPA promulgated a site-specific rule to help implement the project. Under the XL project, Georgia-Pacific will install and attempt to operate the first commercial scale black liquor gasification system in the United States. This system promises to provide superior air emissions reductions and energy efficiency benefits compared to use of conventional recovery technology for black liquor in the pulp and paper industry. However, since this will be the first commercial scale demonstration of the new technology, there is some risk that the technology will take longer than planned to work properly or may not ever work

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properly. Under these scenarios, Georgia-Pacific requires relief from otherwise applicable air emission standards to allow time for the technology to achieve expected performance or, in the event of failure, time for Georgia-Pacific to build conventional recovery technology that will meet applicable standards. Without this relief, Georgia-Pacific would not be undertaking commercialization of this promising technology. The promulgated site-specific rule provided relief in the form of a limited extension (from March 2004 to March 2007 at the latest) of the compliance date for the applicable air emission standard (Standards for Hazardous Air Pollutants from Chemical Recovery Combustion Sources at Kraft, Soda, Sulfate, and Stand-Alone Semichemical Pulp Mills). Since that promulgation, the company has begun construction of the gasification system. Unfortunately, the company has experienced construction delays for several reasons. The delays have affected the scheduled start-up date of the new system by approximately one year. This action would amend the site-specific rule by extending the date of compliance for one additional year (from March 2007 to March 2008).

**Timetable:**

Action	Date
Direct Final Rule	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4749**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills

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**RIN:** 2060-AK71

### 3144. RULEMAKING ON SECTION 126 PETITIONS FROM NEW YORK AND CONNECTICUT REGARDING SOURCES IN MICHIGAN; REVISION OF DEFINITION OF APPLICABLE REQUIREMENT FOR TITLE V OPERATING PERMIT PROGRAMS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7426**CFR Citation:** 40 CFR 52; 40 CFR 75; 40 CFR 97**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	02/22/02 67 FR 8386
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4464**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation

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**RIN:** 2060-AJ36

### 3145. FEDERAL PLAN REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE NOVEMBER 30, 1999

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7429**CFR Citation:** 40 CFR 62**Legal Deadline:** None

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

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instances where the State has failed to submit a plan or a plan has not yet been approved. Therefore, consistent with section 129(b)(3) of the Act, EPA is proposing a plan that applies to CISWI in any State that has not submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the rule, and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal plan as a gap-filling measure until the State fulfills its statutory obligations. When the State submits an approvable State Plan, the Federal plan will no longer apply to units in that State.

**Timetable:**

Action	Date
NPRM	11/25/02 67 FR 70640
Final Action	10/00/03

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4441

**Sectors Affected:** 321 Wood Product Manufacturing; 325 Chemical Manufacturing

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**RIN:** 2060-AJ28

### 3146. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR, AND REPLACEMENT

**Priority:** Economically Significant

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

**CFR Citation:** 40 CFR 51.165; 40 CFR 51.166.; 40 CFR 52.21; 40 CFR 52.24

**Legal Deadline:** None

**Abstract:** This rulemaking provides specific categories of activities that would qualify as "routine maintenance, repair, and replacement" under the Clean Air Act's New Source Review Program. The current New Source Review regulations do not define this

term, and there has been considerable debate over the years over the scope of activities that should be included. The new definition will provide an additional level of certainty for regulated entities and regulatory agencies with respect to program applicability. While this rule will affect small businesses and state/local/tribal governments, this rule is intended to simplify the regulatory process and decrease the burden on these and other entities.

**Timetable:**

Action	Date
NPRM	12/31/02 67 FR 80290
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4676

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**RIN:** 2060-AK28

### 3147. REVISIONS TO REGIONAL HAZE RULE TO INCORPORATE SULFUR DIOXIDE MILESTONES AND BACKSTOP EMISSIONS TRADING PROGRAM FOR NINE WESTERN STATES

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51.309

**Legal Deadline:** None

**Abstract:** This regulation is for an action anticipated by the regional haze rule that we published in July 1999. One portion of the regional haze rule was an optional visibility protection program for nine Western States. Part

of this program for the West, a long-term program to reduce stationary source emissions of sulfur dioxide, was incomplete at the time of the 1999 rule. Accordingly, the rule required Western States to submit an "Annex" to an earlier report of the Grand Canyon Visibility Transport Commission. We required the Annex to contain sulfur dioxide milestones for the years 2003 to 2018, to establish a program to track emissions from stationary sources over this time period, and to provide the details of a market trading program that would be triggered if a milestone is exceeded. The Western Regional Air Partnership submitted the Annex on September 29, 2000. The purpose of this rulemaking is to determine whether the Annex meets the requirements of the regional haze rule and the Clean Air Act, and if it does, to amend the regional haze rule to incorporate its provisions.

**Timetable:**

Action	Date
NPRM	05/06/02 67 FR 30418
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4495

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**RIN:** 2060-AJ50

### 3148. EXPANDED DEFINITIONS FOR ALTERNATIVE-FUELED VEHICLES AND ENGINES MEETING LOW-EMISSION VEHICLE EXHAUST EMISSION STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2001; 15 USC 2002; 15 USC 2003; 15 USC 2005; 15 USC 2006; 15 USC 213; 42 USC 7521; 42 USC 7522; 42 USC 7524; 42 USC

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7525; 42 USC 7541; 42 USC 7542; 42 USC 7549; 42 USC 7550; 42 USC 7552

**CFR Citation:** 40 CFR 86; 40 CFR 88

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4030

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**RIN:** 2060-AH52

### 3149. 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
Direct Final Action	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4604

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**RIN:** 2060-AJ82

### 3150. CONTROL OF EMISSIONS FROM SPARK IGNITION MARINE VESSELS AND HIGHWAY MOTORCYCLES

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

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

**CFR Citation:** 40 CFR 94

**Legal Deadline:** None

**Abstract:** EPA is proposing to take actions to reduce emissions from two categories of engines. The first category, highway motorcycles, have existing emission standards that were put in place over twenty years ago. Emissions control technologies have advanced significantly since that time, and EPA believes it is appropriate to put in place more stringent standards for HC and NOx that reflects this progress. The proposed standards are consistent with standards California has recently promulgated, thereby creating the opportunity to industry to produce and market products nationwide. The second category of emissions sources addressed in this proposal is gasoline-powered marine vessels. Specifically, EPA is proposing to control evaporative emissions from these sources through the application of fuel tank and hose controls that can significantly reduce HC emissions from these sources. This proposal is the first set of emissions standards for this category.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4626

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

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**RIN:** 2060-AJ90

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**3151. 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
NPRM	03/24/94 59 FR 13912
Supplemental NPRM	02/12/96 61 FR 5840
Final Action	12/00/03

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

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**RIN:** 2060-AI03**3152. AMENDMENTS TO COMPLIANCE CERTIFICATION REQUIREMENTS FOR STATE AND FEDERAL OPERATING PERMITS PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414a; 42 USC 7661-7661f**CFR Citation:** 40 CFR 70; 40 CFR 71 (Revisions)**Legal Deadline:** None

**Abstract:** Action is in response to the October 29, 1999, United States Circuit Court of Appeals decision to remand to EPA part of the October 22, 1997, Compliance Assurance Monitoring rulemaking that included revisions to compliance certification requirements for State and federal operating permits. The Court ruled that the compliance certification must address whether the affected facility has been in continuous or intermittent compliance.

**Timetable:**

Action	Date
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4671

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**RIN:** 2060-AK11**3153. • PROTECTION OF STRATOSPHERIC OZONE: BAN ON TRADE OF METHYL BROMIDE TO NON-PARTIES TO THE MONTREAL PROTOCOL****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7671-7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

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

**Timetable:**

Action	Date
Direct Final Rule	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4756

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**RIN:** 2060-AK67

**3154. PROTECTION OF STRATOSPHERIC OZONE: PHASEOUT OF CHLOROBROMOMETHANE (HALON 1011) PRODUCTION AND CONSUMPTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671 et seq**CFR Citation:** 40 CFR 82**Legal Deadline:** None

**Abstract:** EPA is proposing to add chlorobromomethane (CBM) to the list of controlled substances subject to production and consumption controls in accordance with both the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol) and EPA's regulations under the Clean Air Act Amendments of 1990. Today's action proposes to create a new group (Group VIII) of class I substances for CBM, and to designate the value of CBM's "ozone depleting potential" as 0.12. In accordance with the Protocol, today's action proposes phasing out CBM production and consumption upon publication of the final rule with

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permitted exemptions. Today's action also proposes to restrict trade in CBM with countries who are not parties to the Beijing Amendments to the Protocol.

**Timetable:**

Action	Date
NPRM	10/29/02 67 FR 65916
Final Action	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4428

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

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**RIN:** 2060-AJ27

### 3155. PROTECTION OF STRATOSPHERIC OZONE: SUPPLEMENTAL RULE REGARDING A RECYCLING STANDARD UNDER SECTION 608

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq; CAA 608

**CFR Citation:** 40 CFR 82(F)

**Legal Deadline:** None

**Abstract:** This rule will amend the recordkeeping aspects of the technician certification program, clarify aspects of a sales restriction, and adopt an updated version of ARI standard 740. The rule will also clarify the distinction between major and non-major repairs and amend several definitions

including small appliances. The rule also addresses the transfers of unreclaimed refrigerant between majority-owned and majority-controlled subsidiaries.

**Timetable:**

Action	Date
NPRM	02/29/96 61 FR 7858
NPRM	11/01/96 61 FR 56493
Final Action	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3556

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**RIN:** 2060-AF36

### 3156. PROTECTION OF STRATOSPHERIC OZONE: REFRIGERANT RECYCLING RULE AMENDMENT TO INCLUDE SUBSTITUTE REFRIGERANTS

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 82(F)

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	06/11/98 63 FR 32044
Final Action	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** None

**Additional Information:** SAN No. 3560

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**RIN:** 2060-AF37

### 3157. FEDERAL IMPLEMENTATION PLANS FOR INDIAN RESERVATIONS IN IDAHO, OREGON AND WASHINGTON

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This Federal Implementation Plan (FIP) proposes basic air rules to apply on Indian Reservations in Idaho, Oregon, and Washington. The rules provide some basic air quality protection similar to what the state implementation plans (SIPs) require for Idaho, Oregon, and Washington. These rules are needed to establish a level playing field and create basic federally enforceable rules under the Clean Air Act.

**Timetable:**

Action	Date
NPRM	03/15/02 67 FR 11748
Final Action	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, Tribal

**Federalism:** Undetermined

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**Additional Information:** SAN No. 4487

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**RIN:** 2012-AA01**3158. SERVICE INFORMATION  
REGULATION FOR LIGHT-DUTY  
VEHICLES AND TRUCKS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7521(m)**CFR Citation:** 40 CFR 86**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	06/08/01 66 FR 30830
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3741

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**RIN:** 2060-AG13**3159. REVISION TO THE DEFINITION  
OF VOLATILE ORGANIC COMPOUND  
(VOC) TO EXCLUDE TERTIARY BUTYL  
ACETATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51.100(s)**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/30/99 64 FR 52731
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4254

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**RIN:** 2060-AI45**3160. COMPILATION OF SOURCE-  
SPECIFIC ALTERNATIVE METHODS  
BEING APPROVED FOR SOURCE-  
CATEGORYWIDE APPLICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** Sources have applied for approval of alternative test methods for use at their facility. The Agency has approved these methods and issued letters of approval to each requestor. The Agency has determined that these methods could be used at similar sources, thus giving those sources an

alternative test method to the one cited in the regulation. This action seeks to publish these facility-specific approvals in order to provide other facilities within the source category the option of using the alternative method.

**Timetable:**

Action	Date
Direct Final Rule	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4548

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**RIN:** 2060-AJ84

**3161. STATE AND FEDERAL  
OPERATING PERMITS PROGRAM:  
REMOVAL OF AMENDMENTS TO  
PART 70 AND PART 71 COMPLIANCE  
CERTIFICATION REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414a; 42  
USC 7661 to 7661f**CFR Citation:** 40 CFR 70; 40 CFR 71  
(Revisions)**Legal Deadline:** None

**Abstract:** Action is in response to the October 29, 1999, United States Circuit Court of Appeals decision to remand to EPA part of the October 22, 1997, Compliance Assurance Monitoring rulemaking that included revisions to parts 70 and 71 compliance certification requirements. The Court ruled that the compliance certification must address whether the affected facility has been in continuous or intermittent compliance.

**Timetable:**

Action	Date
Final Action	06/00/03

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4600

Split from RIN 2060-AJ04

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**RIN:** 2060-AJ89

**3162. CONTROL OF HAZARDOUS AIR  
POLLUTANTS FROM MOBILE  
SOURCES: DEFAULT BASELINE  
REVISION AND MINOR CORRECTIONS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)**CFR Citation:** 40 CFR 80

**Legal Deadline:** Final, Statutory,  
October 31, 2001, 80.855(b)(2) directs  
EPA to revise the default baseline by  
this date.

**Abstract:** The final rule, Control of  
Emissions of Hazardous Air Pollutants  
From Mobile Sources (66 FR 17230,  
3/29/01), directed EPA to revise the  
default toxics baselines in the rule to  
include year 2000 data when it  
becomes available. When revised, the  
default toxics baseline values will be  
the average toxics values for gasoline  
over the period 1998-2000. This data  
is now available, and this rule will  
promulgate those revised baseline  
values, and also incorporate several  
minor technical corrections to the  
existing rule.

**Timetable:**

Action	Date
Direct Final Rule	05/00/03

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4621

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**RIN:** 2060-AJ97

**3163. REGULATION OF FUEL AND  
FUEL ADDITIVES: EXTENSION OF  
CALIFORNIA ENFORCEMENT  
EXEMPTIONS FOR REFORMULATED  
GASOLINE TO CALIFORNIA PHASE 3  
GASOLINE**

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

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

**Timetable:**

Action	Date
Direct Final Action	08/00/03

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

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

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**RIN:** 2060-AK04

**3164. • REVISIONS TO CLARIFY THE  
SCOPE OF THE SUFFICIENCY  
MONITORING REQUIREMENTS FOR  
FEDERAL AND STATE OPERATING  
PERMITS PROGRAMS**

**Priority:** Economically Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 70.6(c)(1); 40  
CFR 71.6(c)(1)**Legal Deadline:** None

**Abstract:** The purpose of this  
rulemaking is to clarify that under 40  
CFR 70.6(c)(1) and 71.6(c)(1), all title  
V permits must contain monitoring  
sufficient to assure compliance with the  
permits' terms and conditions, as  
required under sections 504(a), 504 (b),  
504(c) and 114(a)(3) of the Clean Air  
Act, where section 70.6(a)(3)(i)(B) or  
section 71.6(a)(3) is not applicable.  
Specifically, the interim final  
rulemakings and parallel notice-and-  
comment rulemaking are limited to the  
suspension and removal of the  
prefatory phrase "[c]onsistent with  
paragraph (a)(3) of this section" from  
the sufficiency monitoring requirement  
in section 70.6(c)(1) and section  
71.6(c)(1). We are undertaking these  
rulemakings, in part, to respond to,  
pending litigation, Utility Air  
Regulatory Group v. EPA No. 01-1204  
(D.C. Cir.). In this litigation, the Utility  
Air Regulatory Group (UARG) has  
asserted, in part, that EPA's  
interpretation of section 70.6(c)(1) and  
section 71.6(c)(1) as stated in the  
Pacificorp and Fort James orders is  
overbroad because the prefatory  
language in these sufficiency  
monitoring regulations (i.e., "consistent  
with paragraph (a)(3)") limits their  
scope to that of the periodic monitoring  
provisions at section 70.6(a)(3) and  
section 71.6(a)(3). While EPA disagrees  
with UARG's assertions, EPA believes  
that further clarification through  
rulemaking would be useful. The EPA  
anticipates issuing a second interim  
final rule, prior to promulgation of the  
final rule, to suspend the prefatory  
phrase for an additional 90-day period.  
These rulemakings do not address any  
other issues related to title V  
monitoring, such as the type of  
monitoring required under the periodic  
or sufficiency monitoring provisions.

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The EPA expects to consider comments on these other monitoring issues during a separate, future notice-and-comment rulemaking. Any future rulemaking actions on the scope of sufficiency monitoring, including any second interim rule and final rule, will be subject to OMB review because the related proposal was found to be a "significant regulatory action" under Executive Order 12866 due to "novel legal or policy issues."

**Timetable:**

Action	Date
NPRM	09/17/02 67 FR 58561
Interim Final Rule	09/17/02 67 FR 58529
Interim Final Rule	05/00/03
Final Action	07/00/03

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4699

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**RIN:** 2060-AK29**3165. WASTE ISOLATION PILOT PLANT (WIPP) FY 2001 REPORT TO CONGRESS****Priority:** Info./Admin./Other**Legal Authority:** PL 102-579, sec 23(a)(2)**CFR Citation:** 40 CFR 194**Legal Deadline:** None

**Abstract:** This Report to Congress is required by section 23(a)(2) of the WIPP Land Withdrawal Act, which requires EPA to submit an annual report to Congress "on the status of and resources required for the fulfillment of the Administrator's responsibilities under the Act" regarding the Waste Isolation Pilot Plant (WIPP). This report summarizes the activities and progress EPA has made in fulfilling its responsibilities under the Act and

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

**Timetable:**

Action	Date
Report to Congress	05/00/03

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Additional Information:** SAN No. 4686

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**RIN:** 2060-AK39**3166. EXTENSION OF ALTERNATIVE COMPLIANCE PERIODS UNDER THE ANTI-DUMPING PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA sec 114; CAA sec 211; CAA sec 301(a)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** "Dumping" refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and "dump" them into other fuels they are producing for other markets. This, if allowed, would

make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing "anti-dumping" rules on the books that codify this Clean Air Act prohibition. This direct final rule will amend the existing anti-dumping regulations by setting forth procedures for allowing an alternative compliance period of not more than seven years for a small, start up refiner.

**Timetable:**

Action	Date
Direct Final Rule With Accompanying NPRM	05/00/03

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4694

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**RIN:** 2060-AK43**3167. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: AMENDMENT TO THE TIER 2 MOTOR VEHICLE EMISSION STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 86 (Revision)**Legal Deadline:** None

**Abstract:** This action includes technical amendments needed to resolve errors, inconsistencies, or lack of clarity in recently promulgated light-duty and heavy-duty emissions control programs. These issues include flexibilities for diesel vehicles under the Tier 2 program, amendments to the requirements for independent commercial importers (ICI), amendments to the test weight

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requirements for complete heavy-duty gasoline vehicles, and amendments to the heavy-duty onboard diagnostics (OBD) requirements for chassis-certified heavy-duty diesel engines and vehicles.

**Timetable:**

Action	Date
Direct Final Rule	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4721

**Sectors Affected:** 33611 Automobile and Light Duty Motor Vehicle Manufacturing; 33612 Heavy Duty Truck Manufacturing

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**RIN:** 2060-AK55

**3168. CALIFORNIA GASOLINE TECHNICAL CORRECTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80.81(a)

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Direct Final Rule	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4722

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**RIN:** 2060-AK56

**3169. • AMENDMENTS TO THE REQUIREMENTS ON VARIABILITY IN THE COMPOSITION OF ADDITIVES CERTIFIED UNDER THE GASOLINE DEPOSIT CONTROL PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 80

**Legal Deadline:** Other, Statutory, May 30, 2001, Settlement Agreement with American Chemistry Council in 8/2000 requires publication of NPRM "as expeditiously as practicable."

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

**Timetable:**

Action	Date
Direct Final Rule	11/05/01
Final Action	11/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4557

**Sectors Affected:** 325998 All Other Miscellaneous Chemical Product Manufacturing

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**RIN:** 2060-AK62

**3170. • CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES; ADDENDUM TO SECOND AMENDMENT TO THE TIER 2/GASOLINE SULFUR REGULATIONS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Direct Final Rule and Concurrent NPRM	06/12/02
Final Action	05/00/03

**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. 4569  
**Sectors Affected:** 336111 Automobile Manufacturing; 336112 Light Truck and Utility Vehicle Manufacturing

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**RIN:** 2060-AK63

**3171. • 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
Direct Final Rule	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4706

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**RIN:** 2060-AK69

**3172. • REGULATION OF FUELS AND FUEL ADDITIVES: MODIFICATIONS TO STANDARDS AND REQUIREMENTS FOR REFORMULATED AND CONVENTIONAL GASOLINE INCLUDING BUTANE BLENDERS AND ATTEST ENGAGEMENTS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7414; 42 USC 7454(c); 42 USC 7454(k); 42 USC 7601  
**CFR Citation:** 40 CFR 80  
**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	07/11/97 62 FR 37338
Final Rule	12/31/97 62 FR 68196
Final Action	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4758

**Sectors Affected:** 32411 Petroleum Refineries; 42271 Petroleum Bulk Stations and Terminals

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**RIN:** 2060-AK77

**3173. • STAY OF AUTHORITY UNDER 40 CFR 50.9(B) RELATED TO APPLICABILITY OF 1-HOUR OZONE STANDARD**

**Priority:** Other Significant  
**Legal Authority:** 42 USC 7401 et seq  
**CFR Citation:** 40 CFR 50.9(b)

**Legal Deadline:** NPRM, Judicial, December 15, 2002, Proposal to Stay Language.

**Abstract:** This rulemaking would stay EPA's authority under the second sentence of 40 CFR 50.9(b) to determine that an area has attained the 1-hour standard and that the 1-hour standard no longer applies. The Environmental Defense and Appalachian Mountain Club have agreed to dismiss their cases if EPA issues a final rule staying the revocation provision in 40 CFR 50.9(b) until such time as EPA considers in that rule whether that provision should be modified and committing to consider and address in the subsequent rulemaking any comments concerning (a) which, if any, implementation activities for a revised ozone standard would need to occur before EPA would determine that the 1-hour ozone standard no longer applied to an area, and (b) the effect of revising the ozone NAAQS on existing designations for the pollutant ozone.

**Timetable:**

Action	Date
NPRM	12/27/02 67 FR 79460
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4760

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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RIN: 2060-AK78

**3174. • RECLASSIFICATION AS NONROAD ENGINES FOR DIESEL ENGINES USED IN THE STATE OF CALIFORNIA AGRICULTURAL PUMP APPLICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7547**CFR Citation:** 40 CFR 89**Legal Deadline:** None

**Abstract:** EPA has been working closely with the U.S. Department of Agriculture, the agricultural community, and other stakeholders to constructively address air quality issues associated with agricultural sources. One such issue involves emissions from diesel engines located in California that are used in the irrigation of crops. There is an interest in determining a method to facilitate the introduction of cleaner engines in this area and additionally resolve an issue associated with the application of Title V to such engines. EPA has decided to amend the definition of "nonroad engines" in 40 CFR part 89 to define diesel engines used to irrigate croplands in California as "nonroad engines" under EPA regulations, which is currently not the case. This notice will regulate all pump engines under title II nonroad rules if the farm chooses to replace its current engines with a new certified nonroad engine. Pump engines which are not replaced with new certified nonroad engines will not be covered by title II nonroad rules. There are environmental benefits to taking this action because

generally the current engines are not required to meet any emissions requirements while nonroad engines are subject to existing standards and certification requirements. The voluntary nature of this rule, is that the farm is not required to replace any of its pump engines; they volunteer to replace their pumps engines with new, certified nonroad engines. This voluntary action will be done as a limited amendment of section 89.2 (similar to a project XL approach).

**Timetable:**

Action	Date
Direct Final Rule	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 4774

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RIN: 2060-AK83

**3175. PROJECT XL SITE-SPECIFIC RULEMAKING FOR ANDERSEN CORPORATION FACILITY IN BAYPORT, MINNESOTA****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7671q**CFR Citation:** 40 CFR 52**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	04/19/99 64 FR 19097
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4278

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RIN: 2090-AA21

## Environmental Protection Agency (EPA)

## Long-Term Actions

## Clean Air Act (CAA)

**3176. • NESHAP: OFF-SITE WASTE AND RECOVERY OPERATIONS RESIDUAL RISK STANDARD****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, July 1, 2004.

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

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

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4695**Sectors Affected:** 56221 Waste Treatment and Disposal

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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**3177. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7); AVAILABILITY OF INFORMATION TO THE PUBLIC; TECHNICAL AMENDMENT**

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

**Legal Authority:** CAA 112(r)

**CFR Citation:** 40 CFR 68.210

**Legal Deadline:** None

**Abstract:** Section 112(r)(7) of the Clean Air Act (CAA) and its implementing regulations at 40 CFR part 68 require certain stationary sources to report an Off-site Consequence Analysis (OCA), including a worst-case release scenario, in a Risk Management Plan (RMP) that is to be made available to the public. In response to concerns that posting OCA information on the Internet might increase the risk of terrorist and other criminal activities, on August 5, 1999, the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRRRA) was enacted. The Act requires the President to promulgate regulations governing the distribution of the OCA sections of RMPs that, in the opinion of the President, would minimize the likelihood of accidental releases and the risk of terrorist and other criminal activities associated with posting this information. The President delegated his rulemaking authority to the Attorney General and the Administrator of EPA, who jointly promulgated the required regulations at 40 CFR part 1400. The part 1400 regulations restrict the public's access to the OCA sections of RMPs in certain ways. As currently drafted, however, section 68.210(a) of part 68 states that RMPs are available to the public under CAA section 114, which makes information collected under the CAA, including RMPs in their entirety, available to the public, except for confidential business information. EPA is therefore revising 40 CFR section 68.210(a) to reflect the August 2000 rulemaking. The revision will state that OCA data is made available to the public under the provisions of 40 CFR

part 1400. This revision is not meant to regulate any new entities.

**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4607

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RIN: 2050-AE95

**3178. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(3); REVISIONS TO THE LIST OF SUBSTANCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA 112(r)

**CFR Citation:** 40 CFR 68.130

**Legal Deadline:** None

**Abstract:** The list of substances subject to the Chemical Accident Prevention requirements at 40 CFR part 68 was promulgated on January 31, 1994. The Clean Air Act states that the list may be revised from time to time by EPA's own motion or by petition and shall be reviewed at least every 5 years. Since the January 1994 final list rule, EPA has modified the listing for hydrochloric acid; deleted a category of explosive chemicals; exempted flammable substances in gasoline used as fuel and in naturally occurring hydrocarbon mixtures prior to initial processing; and excluded flammable substances used as a fuel or held for sale as a fuel at a retail facility. In fulfillment of the statute's five-year review requirement, EPA has conducted a thorough review of the list. Based on that review, EPA is proposing additions, deletions and modifications to the list of substances. Deletions are based on EPA's review of the chemical toxicity, physical property, production/use quantity and accident history of currently listed substances and new information or erroneous data

that impacts the basis of the chemical's listing. Other toxic and flammable chemicals are proposed to be added because they meet the criteria for listing a toxic or flammable substance. In addition, EPA proposes to revise the reporting threshold and toxic endpoints of several toxic substances based on updated toxicity information. Facilities (such as chemical manufacturers, processors, and users), with more than the threshold quantity of a listed substance in a process, are required to develop a Risk Management Program and submit a Risk Management Plan to EPA. The proposed changes to the list will ensure that facilities are properly managing risks of the most acutely toxic and flammable chemicals that could have an adverse impact on the facility and surrounding community in event of an accidental release.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

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

**Additional Information:** SAN No. 4619

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

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RIN: 2050-AE96

**3179. REVIEW NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7409

**CFR Citation:** 40 CFR 50

**Legal Deadline:** Final, Statutory, May 31, 2001, Clean Air Act requires reviews every five years.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**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
NPRM	05/00/04
Final Action	05/00/05

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4266

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**RIN:** 2060-AI43

**3180. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER**

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 40 CFR 50

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

**Abstract:** On July 18, 1997, the EPA published a final rule revising the national ambient air quality standards (NAAQS) for particulate matter (PM)

(62 FR 38652). While retaining the PM10 standard levels, new standards were added for fine particles (PM2.5) to provide increased protection against both health and environmental effects of PM. On the same day, a Presidential Memorandum (62 FR 38421, July 16, 1997) was published that, among other things, anticipated that EPA would complete the next review of the PM NAAQS by July 2002. The EPA's plans and schedule for the next periodic review of the PM NAAQS were published on October 23, 1997 (62 FR 55201). Due to the unprecedented volume of new research, the completion of the Criteria Document has been extended and as a result the overall schedule for the review of the PM NAAQS has extended beyond the original target of July 2002. As with other NAAQS reviews, a rigorous assessment of relevant scientific information will be presented in a Criteria Document (CD) prepared by EPA's National Center for Environmental Assessment. The EPA's Office of Air Quality Planning and Standards will then prepare a Staff Paper (SP) for the Administrator which will evaluate the policy implications of the key studies and scientific information contained in the CD and additional technical analyses and identify critical elements that EPA staff believe should be considered in reviewing the standards. The CD and SP will be reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public, and both final documents will reflect the input received through these reviews. As the PM NAAQS review is completed, the Administrator's proposal to revise or reaffirm the PM NAAQS will be published with a request for public comment. Input received during the public comment period will be reflected in the Administrator's final decision.

**Timetable:**

Action	Date
NPRM	01/00/05
Final Action	12/00/05

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4255

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**RIN:** 2060-AI44

**3181. NAAQS: SULFUR DIOXIDE (RESPONSE TO REMAND)**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** On November 15, 1994, the Environmental Protection Agency (EPA) proposed not to revise the existing 24-hour and annual primary standards. The EPA sought public comment on the need to adopt additional regulatory measures to address the health risk to asthmatic individuals posed by short-term peak sulfur dioxide exposure. On March 7, 1995, EPA proposed implementation strategies for reducing short-term high concentrations of sulfur dioxide emissions in the ambient air. On May 22, 1996, EPA published its final decision not to revise the primary sulfur dioxide NAAQS. The notice stated that EPA would shortly propose a new implementation strategy to assist States in addressing short-term peaks of sulfur dioxide. The new implementation strategy - the Intervention Level Program - was proposed on January 2, 1997. In July 1996, the American Lung Association and the Environmental Defense Fund petitioned the U.S. Court of Appeals for the D.C. Circuit for a judicial review of EPA's decision not to establish a new 5-minute NAAQS. On January 30, 1998, the court found that EPA did not adequately explain its decision and remanded the case so EPA could explain its rationale more fully. EPA published a schedule for responding to the remand in the May 5, 1998, Federal Register. Since that notice, EPA has continued to work on the proposed response to the remand by reviewing

## EPA—Clean Air Act (CAA)

## Long-Term Actions

additional SO<sub>2</sub> air quality information. EPA published an informational notice in the Federal Register on January 9, 2001 (66 FR 1665). EPA is conducting monitoring to evaluate sources of SO<sub>2</sub> peaks. The results of this project will inform the response to the remand.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 1002

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**RIN:** 2060-AA61

**3182. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Final standards under section 112(d) for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks (40 CFR 63, subpart N) were promulgated on January 25, 1995. Since promulgation, the Agency has

determined that a class of chromium electroplating operations were inadvertently excluded from regulation. Specifically, the final standards do not apply to sources engaged in continuous chromium electroplating of steel sheet used to make cans and other containers. It is the Agency's intent to regulate all facilities engaged in chromium electroplating. Therefore, the Agency plans to amend the chromium electroplating rule to extend its applicability to continuous chromium electroplating operations.

**Timetable:**

Action	Date
NPRM	09/00/04
Final Action	03/00/05

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 2841

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**RIN:** 2060-AH08

**3183. NESHAP: GROUP I POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS-AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date
ANPRM Petitions for Judicial Review-Dow, UCC, Exxon	11/25/96 61 FR 59849
NPRM-Petitions for Judicial Review-Proposed Amend.	03/09/99 64 FR 11559
NPRM-Petition for Reconsideration-Equipment Leaks	06/08/99 64 FR 30453
NPRM-Petition for Reconsideration-Equipment Leaks	06/08/99 64 FR 60456
Direct Final Rule-Petition for Reconsideration-Equipment Leaks	06/08/99 64 FR 30406
Direct Final Rule-Petitions for Judicial Review-Amendments	06/19/00 65 FR 38030
Direct Final Rule-Rule Stay	08/29/00 65 FR 52319
Withdrawal of Direct Final Rule-Polymers and Resins	10/26/00 65 FR 64161
NPRM-Petition for Reconsideration-Cooling Towers	02/23/01 66 FR 11233
Final Rule-Denial of Petition for Judicial Review-Technical Correction	07/16/01 66 FR 36924
Final-pet rec equ leaks Petition for Reconsideration-Equip. Leaks	08/06/01 66 FR 40903
NPRM-Petition for Reconsideration-Cooling Towers	09/00/04

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3939**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing**Agency Contact:** Robert Rosensteel, Environmental Protection Agency, Air and Radiation, C504-04, Research Triangle Park, NC 27711

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**RIN:** 2060-AH47**3184. AMENDMENTS TO PARTS 51, 52, 63, 70 AND 71 REGARDING THE PROVISIONS FOR DETERMINING POTENTIAL TO EMIT****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None**Abstract:** This action proposes to amend regulations already established to implement the new Federal air toxics program under section 112, including the General Provisions, the Federal operating permit program under title V, and the major source preconstruction programs under parts C and D of title I.

The proposed rule will address issues related to the determination of a stationary source's potential to emit in response to three court decisions.

This action resulted from splitting of RINs 2060-AC98 and 2060-AC63.

**Timetable:**

Action	Date
NPRM	To Be Determined
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 3479**Agency Contact:** Carol Holmes, Environmental Protection Agency, Airand Radiation, OECA (2242A), Washington, DC 20460  
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**RIN:** 2060-AI01**3185. NSPS AND EMISSION GUIDELINES FOR OTHER SOLID WASTE INCINERATORS****Priority:** Other Significant**Legal Authority:** 42 USC 7509 CAA 129**CFR Citation:** 40 CFR 60**Legal Deadline:** None**Abstract:** Section 129 of the Clean Air Act of 1990 requires the Agency to promulgate New Source Performance Standards (NSPS) and Emission Guidelines (EG) for solid waste incinerators. Section 129 specifically required the Administrator to publish a schedule for regulating Other Solid Waste Incinerators (OSWI). A notice published on November 9, 2000, announced that the Administrator would promulgate OSWI standards by November 15, 2005. The notice also listed what classes of incinerators might be covered by the OSWI standards. Standards will be set for the following pollutants: particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead cadmium, mercury, and dioxins and dibenzofurans.**Timetable:**

Action	Date
ANPRM	11/09/00 65 FR 66850
NPRM	11/00/04
Final Action	11/00/05

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local**Additional Information:** SAN No. 3751**Agency Contact:** Fred L. Porter, Environmental Protection Agency, Air and Radiation, C435-D, Research Triangle Park, NC 27711

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**RIN:** 2060-AG31**3186. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON-FEDERAL CLASS I AREAS****Priority:** Other Significant**Legal Authority:** 42 USC 7670-7479 CAA 160-169**CFR Citation:** 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None**Abstract:** Under the Clean Air Act's prevention of significant deterioration (PSD) program, a State or tribe may redesignate their lands as class I areas to provide enhanced protection for their air quality resources. This rule will clarify the PSD permit review procedures for new and modified major stationary sources near these non-Federal class I areas. EPA seeks to develop clarifying PSD permit application procedures that are effective, efficient, and equitable.**Timetable:**

Action	Date
ANPRM	05/16/97 62 FR 27158
NPRM	10/00/05
Final Action	10/00/06

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Tribal**Additional Information:** SAN No. 3919**Agency Contact:** Darrel Harmon, Environmental Protection Agency, Air and Radiation, 6101A, Washington, DC 20460

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**RIN:** 2060-AH01**3187. PROTECTION OF STRATOSPHERIC OZONE: UPDATE OF THE SUBSTITUTES LIST UNDER (SNAP) PROGRAM****Priority:** Other Significant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671(k) CAA 612**CFR Citation:** 40 CFR 82; 40 CFR 9**Legal Deadline:** None

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

**Timetable:**

Action	Date
ANPRM	01/16/92 57 FR 1984
NPRM	05/12/93 58 FR 28094
Final Rule	03/18/94 59 FR 13044
Notice 1	08/26/94 59 FR 44240
NPRM 1	09/26/94 59 FR 49108
Notice 2	01/13/95 60 FR 3318
Final Rule 1	06/13/95 60 FR 31092
Notice 3	07/28/95 60 FR 38729
NPRM 2	10/02/95 60 FR 51383
Notice 4	02/08/96 61 FR 4736
NPRM 3	05/22/96 61 FR 25604
Final Rule 2	05/22/96 61 FR 25585
Notice 5	09/05/96 61 FR 47012
Final Rule 3	10/16/96 61 FR 54030
Notice 6	03/10/97 62 FR 10700
NPRM 4	05/21/97 62 FR 27874
Notice 7	06/03/97 62 FR 30275
NPRM 5	02/03/98 63 FR 5491
Notice 8	02/24/98 63 FR 9151
Notice 9	05/22/98 63 FR 28251
Interim Final Rule 7	01/26/99 64 FR 3861
Interim Final Rule 8	01/26/99 64 FR 3865
ANPRM 9	02/18/99 64 FR 8043
NPRM 6	02/18/99 64 FR 8038
Final Rule 5	04/28/99 64 FR 22981
Notice 10	06/08/99 64 FR 30410
Notice 11	12/06/99 64 FR 68039
Notice 12	04/11/00 65 FR 19327
Final Rule 6	04/26/00 65 FR 24387
Notice 13	06/19/00 65 FR 37900
Notice 14	12/18/00 65 FR 78977
Next Action	Undetermined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3525

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**RIN:** 2060-AG12**3188. PHASE I (FIP) TO REDUCE THE REGIONAL TRANSPORT OF OZONE IN THE EASTERN UNITED STATES**

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

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

**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 52; 40 CFR 97

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

**Abstract:** This action would promulgate Federal Implementation Plans (FIPs) which require nitrogen oxides (NOx) emissions decreases. The intended effect is to reduce the transport of ozone (smog) pollution and one of its main precursors (NOx) across State boundaries in the eastern half of the United States. On October 27, 1998, EPA published a final rule (the NOx SIP Call) which allowed States 12 months to develop, adopt, and submit revisions to their State Implementation Plans (SIPs) to address the transport problem. The Administrator is required to promulgate a FIP within 2 years of: (1) finding that a State has failed to make a required submittal or (2) finding that a submittal is not complete or (3) disapproving a SIP submittal. On June 22, 2000, the D.C. Court of Appeals assigned a new SIP submittal date of October 30, 2000. Eleven States (Virginia, West Virginia, Alabama, Kentucky, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Michigan, and Ohio) and the District of Columbia had not submitted adequate SIPs, as announced in a findings rule published on December 26, 2000. All of these States have since submitted approvable plans, except Michigan. We expect Michigan's plan to be submitted soon. (Note: The FIPs discussed here will apply to all elements of the NOx SIP call that were not remanded to EPA by the court on

March 3, 2000. The portions of the SIP call that were remanded to EPA will be covered under Phase 2 SIPs, and if necessary, separate FIP actions will be prepared for those.)

**Timetable:**

Action	Date
NPRM	10/21/98 63 FR 56393
Findings Rule	12/26/00 65 FR 81366
Final Action	To Be Determined

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 4096

**Sectors Affected:** 322122 Newsprint Mills; 322121 Paper (except Newsprint) Mills; 32213 Paperboard Mills; 32211 Pulp Mills; 325998 All Other Miscellaneous Chemical Product Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325211 Plastics Material and Resin Manufacturing; 32511 Petrochemical Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 32512 Industrial Gas Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 327211 Flat Glass Manufacturing; 327213 Glass Container Manufacturing; 327212 Other Pressed and Blown Glass and Glassware Manufacturing; 32731 Cement Manufacturing; 324199 All Other Petroleum and Coal Products Manufacturing; 331111 Iron and Steel Mills; 331221 Cold-Rolled Steel Shape Manufacturing; 33611 Automobile and Light Duty Motor Vehicle Manufacturing; 333618 Other Engine Equipment Manufacturing; 333415 Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing; 221122 Electric Power Distribution; 221112 Fossil Fuel Electric Power Generation; 221121 Electric Bulk Power Transmission and Control; 48621 Pipeline Transportation of Natural Gas; 221122 Electric Power Distribution; 221112 Fossil Fuel Electric Power Generation; 221121 Electric Bulk Power Transmission and Control; 22133 Steam and Air-Conditioning Supply

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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**RIN:** 2060-AH87

**3189. NESHAP: OIL AND NATURAL GAS PRODUCTION**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** On February 6, 1998 (63 FR 6287), we proposed NESHAP for oil and gas production (major sources), oil and gas production (area sources), and natural gas transmission and storage in one package. On June 17, 1999 (64 FR 32609), we promulgated part of that proposal — i.e., the parts dealing with oil and gas production (major sources) and natural gas transmission and storage. In this action, we will publish a supplemental proposal for the remaining part of the 1998 proposal — i.e., the part dealing with oil and gas production glycol dehydrators (area sources) — and subsequently promulgate that proposal.

**Timetable:**

Action	Date
NPRM	02/06/98 63 FR 6287
Supplemental NPRM	06/00/04
Final Action	06/00/05

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4162

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**RIN:** 2060-AI13

**3190. NESHAP: AEROSPACE MANUFACTURING AND REWORK FACILITIES RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, September 30, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart GG. The current action, required by section 112(f) of the CAA, is to assess residual risks from the same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4653

**Sectors Affected:** 33641 Aerospace

Product and Parts Manufacturing

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**RIN:** 2060-AK08

**3191. NESHAP: ETHYLENE OXIDE FOR STERILIZATION FACILITIES — RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4654

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

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**RIN:** 2060-AK09

**3192. NESHAP: GASOLINE DISTRIBUTION (STAGE I) RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

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## Long-Term Actions

**Timetable:**

Action	Date
NPRM	To Be Determined

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

Undetermined

**Additional Information:** SAN No. 4655

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**RIN:** 2060-AK10**3193. NESHAP: GROUP II POLYMERS AND RESINS — RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, March 8, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA. This source category covers certain chemical process units used to manufacture products. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4657**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing

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**RIN:** 2060-AK13**3194. NESHAP: INDUSTRIAL PROCESS COOLING TOWERS RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, September 30, 2002.

**Abstract:** A national emission standard for hazardous air pollutants (NESHAP) for industrial process cooling towers (IPCT) was previously promulgated under section 112(d) of the Clean Air Act. That standard effectively bans the use of chromium-based water treatment chemicals in IPCT used to remove heat from chemical or industrial processes. The Clean Air Act section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from IPCT and, if warranted, to develop new risk based standards.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4660

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**RIN:** 2060-AK16**3195. NESHAP: NATIONAL EMISSION STANDARDS FOR MARINE TANK VESSEL LOADING OPERATIONS — RESIDUAL RISK STANDARD****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, September 19, 2003, Final Action.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart Y. This source category covers tanks or ships that contain gasoline, crude oil, or HAPs in bulk. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4661**Sectors Affected:** 483 Water Transportation

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**RIN:** 2060-AK17

## EPA—Clean Air Act (CAA)

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**3196. NESHAP:****PERCHLOROETHYLENE DRY CLEANING FACILITIES RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** EPA developed technology-based emission standards for this source category under section 112(d) of the Clean Air Act. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4662**Sectors Affected:** 81232 Drycleaning and Laundry Services (except Coin-Operated)

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**RIN:** 2060-AK18**3197. NESHAP: SECONDARY LEAD SMELTING RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, June 23, 2003.**Abstract:** National emission standards for hazardous air pollutants (NESHAP)

for secondary lead smelting were promulgated on June 23, 1995, under Clean Air Act section 112(d). The standards establish emission limitations and work practice standards for all new and existing secondary lead smelters that produce refined lead from lead scrap, mainly lead acid batteries. Clean Air Act section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from secondary lead smelters and to develop new risk based standards, if warranted.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4665  
**Sectors Affected:** 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)

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**RIN:** 2060-AK19**3198. NESHAP: SHIPBUILDING AND SHIP REPAIR SURFACE COATING RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 31, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart II. This source category covers air-toxic

emissions from the painting, welding, and sandblasting of ships under construction or repair at major sources. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4666**Sectors Affected:** 336611 Ship Building and Repairing

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**RIN:** 2060-AK20**3199. NESHAP: WOOD FURNITURE MANUFACTURING OPERATIONS RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 7, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart JJ. This source category covers air-toxic emissions from wood-furniture manufacturing, including wood finishing, gluing, and painting. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

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**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4667**Sectors Affected:** 337 Furniture and Related Product Manufacturing; 337211 Wood Office Furniture Manufacturing

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**RIN:** 2060-AK21**3200. NESHAP: HALOGENATED SOLVENT CLEANING RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 2, 2002.

**Abstract:** This action is required by the CAA to assess residual risk and develop standards as necessary to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4668

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

Transportation Equipment Manufacturing; 332116 Metal Stamping; 336 Transportation Equipment Manufacturing; 339 Miscellaneous Manufacturing; 332999 All Other Miscellaneous Fabricated Metal Product Manufacturing

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**RIN:** 2060-AK22**3201. NESHAP: MAGNETIC TAPE MANUFACTURING OPERATIONS RESIDUAL RISK STANDARD****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 15, 2002.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4669

**Sectors Affected:** 33461 Manufacturing and Reproducing Magnetic and Optical Media; 334613 Magnetic and Optical Recording Media Manufacturing

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**RIN:** 2060-AK23**3202. NESHAP: PRINTING AND PUBLISHING INDUSTRY RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, May 30, 2004.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart KK. This source category covers air-toxic emissions from many activities located at printing and publishing facilities — primarily the printing process itself, plus affiliated equipment such as cleaning, ink and solvent mixing, chemical storage, and solvent recovery. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4664

**Sectors Affected:** 322222 Coated and Laminated Paper Manufacturing; 322212 Folding Paperboard Box Manufacturing; 322221 Coated and Laminated Packaging Paper and Plastics Film Manufacturing; 322222 Coated and Laminated Paper Manufacturing; 322225 Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses; 322223 Plastics, Foil, and Coated Paper Bag Manufacturing; 323111 Commercial Gravure Printing; 323112 Commercial Flexographic Printing; 323119 Other Commercial Printing

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**RIN:** 2060-AK24

### 3203. NESHAP: PETROLEUM REFINERIES RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, August 31, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart CC. This source category covers air-toxic emissions from equipment at petroleum refineries, such as process vents, storage vessels, and valve leaks. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4663

**Sectors Affected:** 32411 Petroleum Refineries

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**RIN:** 2060-AK25

### 3204. • NATIONAL EMISSION STANDARDS FOR CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS — RESIDUAL RISK STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, January 25, 2003.

**Abstract:** A national emission standard for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks was previously promulgated under section 112(d) of the Clean Air Act. That standard set emission limits for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. The Clean Air Act section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from hard and decorative chromium electroplating and chromium anodizing tanks and, if warranted, to develop new risk based standards.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4750

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**RIN:** 2060-AK72

### 3205. • PETITION TO DELIST HAZARDOUS AIR POLLUTANT: 4,4'-METHYLENE DIPHENYL DIISOCYANATE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health problems. The law allows EPA to consider petitions to modify the list, by adding or removing substances. Individuals seeking to remove a substance must demonstrate that there are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment. The Agency received a petition to remove 4,4'-Methylene Diphenyl Diisocyanate (MDI) from the American Chemistry Council on December 26, 2002. Once EPA receives a petition, it conducts two reviews: a completeness review, to determine whether there is sufficient information on which to base a decision; and a technical review, to evaluate the merits of the petition. The EPA also requests and considers information from the public. After a comprehensive technical review of both the petition and the information received from the public to determine whether the petition satisfies the requirements of the CAA, the review team is required to make a recommendation to the Administrator on whether to grant the petition. If the Administrator decides to grant a petition, a proposed rule is published in the Federal Register which proposes a modification of the HAP list and presents the reasoning for doing so. The proposed rule is open to public comment and public hearing and all additional substantive information received during the public's

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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
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4782

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**RIN:** 2060-AK84

**3206. NESHAP: GROUP I POLYMERS AND RESINS — RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, September 6, 2004.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart U. This source category covers chemical process units used to manufacture elastomer products from raw materials. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined
Final Action	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4656

**Sectors Affected:** 325212 Synthetic Rubber Manufacturing

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**RIN:** 2060-AK12

**3207. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) — RESIDUAL RISK STANDARDS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, April 22, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. This rule will cover the major sources of air emissions within the synthetic organic chemical industry.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4659

**Sectors Affected:** 325 Chemical Manufacturing

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**RIN:** 2060-AK14

**3208. NESHAP: GROUP IV POLYMERS AND RESINS — RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, September 12, 2004.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart JJJ. This source category covers chemical process units used to manufacture thermoplastic products from raw materials. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4658

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

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RIN: 2060-AK15

**3209. INTERSTATE OZONE TRANSPORT: RULEMAKING ON SECTION 126 PETITIONS FROM THE DISTRICT OF COLUMBIA, DELAWARE, MARYLAND, AND NEW JERSEY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7426

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

**Legal Deadline:** Final, Statutory, December 14, 1999, The rulemaking includes action on four separate petitions. See Additional Information.

**Abstract:** In April through July 1999, three northeastern States (New Jersey, Maryland, and Delaware) and the District of Columbia submitted individual petitions to EPA in accordance with section 126 of the Clean Air Act (CAA). Each petition specifically requests that EPA make a finding that nitrogen oxides (NOx) emissions from certain stationary sources in other States significantly contribute to ozone nonattainment and maintenance problems with respect to the 1-hour and 8-hour ozone standards in the petitioning State. If EPA makes such a finding of significant contribution, EPA is authorized to establish Federal emissions limits for the sources. The petitions rely on the analyses from EPA's NOx SIP call. The sources targeted by the petitions are large electricity generating units and large non-electricity generating units, as defined in EPA's NOx SIP call. The EPA took rulemaking action on similar petitions from eight other northeastern States that were submitted in 1997.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4383

There is a different statutory deadline associated with each petition based on the date of receipt by EPA: New Jersey - 12/14/99; Maryland - 01/01/00; Delaware - 02/10/00; and District of Columbia - 03/07/00.

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RIN: 2060-AI99

**3210. STREAMLINED EVAPORATIVE TEST PROCEDURES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This action will streamline the test procedure used to establish compliance with evaporative emission requirements for light-duty vehicles and trucks. The current test procedure requires both two and three day diurnal emission tests, as well as running-loss testing. The revisions will delete the three day requirement and add flexibilities for running-loss compliance. This will enable manufacturers to save significant resources without any decrease in environmental benefits.

**Timetable:**

Action	Date
Direct Final Rule	08/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3910

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RIN: 2060-AH34

**3211. • CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 7521

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 4748

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

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RIN: 2060-AK70

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**3212. REVISIONS TO THE APPEAL PROCEDURES AND THE FEDERAL NOX BUDGET TRADING PROGRAM, PARTS 78 AND 97****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7601; 42 USC 7651 et seq; 42 USC 7401; 42 USC 7403; 42 USC 7426**CFR Citation:** 40 CFR 75 (Revision); 40 CFR 97 (Revision)**Legal Deadline:** None**Abstract:** This rule is a set of revisions which will simplify and streamline the interface between the existing Acid Rain Program and the NOx Budget Trading Program.**Timetable:**

Action	Date
NPRM	06/13/01 66 FR 31978
NPRM ECP-Comment Period Extended	07/27/01 66 FR 39123
Final Action	11/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4682**Sectors Affected:** 221111 Hydroelectric Power Generation**Agency Contact:** Dwight C. Alpern, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460

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**RIN:** 2060-AK36**3213. REVISED PERMIT REVISION PROCEDURES FOR THE FEDERAL OPERATING PERMITS PROGRAM — PART 71****Priority:** Other Significant**Legal Authority:** 42 USC 7661(a)(d)(3)**CFR Citation:** 40 CFR 71.7**Legal Deadline:** None**Abstract:** The proposed regulatory change would streamline permit revisions procedures for stationary air sources that are subject to the Federal operating permits program.**Timetable:**

Action	Date
NPRM	06/00/06
Final Action	06/00/07

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3922**Agency Contact:** Scott Voorhees, Environmental Protection Agency, Air and Radiation, C304-04, Research Triangle Park, NC 27711

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**RIN:** 2060-AG92**3214. REVISIONS TO AIR POLLUTION EMERGENCY EPISODE REQUIREMENTS (SUBPART H, 40 CFR PART 51)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410(a)(2)(G); 42 USC 7603**CFR Citation:** 40 CFR 51 app L; 40 CFR 51.150 to 51.153**Legal Deadline:** None**Abstract:** 40 CFR part 51.150-51.153 requires States to have contingency plans to prevent air pollution levels from reaching the significant harm level (SHL) for CO, O<sub>3</sub>, SO<sub>2</sub>, NO<sub>x</sub>, and PM. Appendix L provides example guidance to the States on appropriate courses of action to take at each episode stage (i.e., alert, warning, and emergency) to ensure the SHL is not reached. These requirements were developed in the 1970's, based on the NAAQS from that era. Since that time, ambient air quality levels have decreased nationwide. Today, many areas/sources that no longer need episode plans must still develop them. This rule would update and simplify the criteria used to determine which areas would require episode plans. Areas with no more than one exceedance of the Alert level over the past 5 years would not need to develop emergency episode plans. Sources with the potential to cause exceedances of the SHL due to a process/control equipment malfunction would need to develop source contingency plans to prevent (and to

respond to) such malfunctions.

Appendix L would also be revised to reflect the revised program requirements.

**Timetable:**

Action	Date
NPRM	To Be Determined
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4247**Agency Contact:** Tom Helms, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711

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**RIN:** 2060-AI47**3215. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): CLEAN UNITS****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51**Legal Deadline:** None**Abstract:** This proposed rule would revise the provisions for the clean unit test contained in the major New Source Review (NSR) requirements. This action proposes to revise the length of the clean unit designation period contained in the final NSR rules. The current rules allow for clean unit designation to be used for 10 years provided the source meets the requirements to maintain clean unit status. This proposed rule would recognize that the average life expectancy of control equipment is 15 years rather than the 10 years contained in the final rules. Permitting agencies and industry will benefit from this action by potentially reducing the number of future permit actions. As a result, this action reduces the compliance burden, including annual compliance costs, for all sources

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subject to the major NSR program requirements.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4691

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**RIN:** 2060-AK42

**3216. • VOLUNTARY SUPERIOR MONITORING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 60 to 61; 40 CFR 63; 40 CFR 70; 40 CFR 71

**Legal Deadline:** None

**Abstract:** The Emissions Measurement Center of EPA's Office of Air Quality Planning and Standards in Research Triangle Park, NC is exploring a regulatory option called "Voluntary Superior Monitoring (VSM)." Under this option, owners/operators of industrial air pollution sources could volunteer to conduct "superior" monitoring which could range from more frequent monitoring of emissions to replacement of existing monitoring. In return for conducting superior monitoring, EPA will offer incentives to these sources, such as less record keeping and reporting, some flexibility in control device or process operation, or flexibility in averaging times for determining compliance with the standard. We are also planning to provide guidance on how to implement Voluntary Superior Monitoring and what criteria industrial sources would need to meet to be eligible for this

program. This rulemaking will be beneficial for both industry and the environment. Industry will be encouraged to conduct better monitoring which will potentially allow them to monitor their processes better, ensure their control equipment is running efficiently, and focus their maintenance practices. As a result of this improved monitoring by industry, we expect that air emissions will be reduced significantly. Industry will also be better able to demonstrate compliance with data collected from the superior monitoring. These data will also demonstrate to citizens that an industry is in compliance and, thus, a "good neighbor." We expect this rule to be implemented through the operating permits program which will involve state and local air pollution control agencies and the EPA regional offices. Instead of revising each individual New Source Performance Standard (NSPS) and National Emission Standards for Hazardous Air Pollutant (NESHAP) to incorporate superior monitoring provisions, we envision proposing this regulatory option by revising the general provisions to parts 60, 61, and 63. The general provisions contain monitoring, testing, recordkeeping, reporting, and other requirements common to all NSPS and/or NESHAP. In addition, we believe that the operating permit program in parts 70 and 71 will need to be modified to allow this approach.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4783

**Sectors Affected:** 321 Wood Product Manufacturing; 322 Paper Manufacturing; 323 Printing and Related Support Activities; 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing; 326 Plastics and Rubber Products Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 331 Primary Metal Manufacturing; 332 Fabricated Metal Product Manufacturing; 333 Machinery Manufacturing; 336 Transportation Equipment Manufacturing; 337

Furniture and Related Product Manufacturing; 221 Utilities

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**RIN:** 2060-AK85

**3217. PROJECT XL SITE-SPECIFIC RULEMAKING FOR GEORGIA-PACIFIC CORPORATION FACILITY IN BIG ISLAND, VIRGINIA**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** Under the Project XL program, the EPA is supporting a project for the Georgia-Pacific Corporation facility located in Big Island, Virginia. The EPA is promulgating this rule, applicable only to the Georgia-Pacific Big Island facility, to help implement the project. Under the XL project, Georgia-Pacific will install and operate the first commercial scale black liquor gasification system in the United States. This system will provide superior air emissions reductions and energy benefits compared to use of conventional recovery technology for black liquor in the pulp and paper industry. However, since this will be the first commercial scale demonstration of this technology, there is some risk that the technology will take longer than planned to work properly or may not ever work properly. If either of these scenarios happens, Georgia-Pacific requires relief from otherwise applicable air emission standards to allow time for the new technology to achieve expected performance or, in the event of failure, to allow time for Georgia-Pacific to build conventional recovery technology that will meet applicable standards. Without this relief, Georgia-Pacific would not undertake commercialization of this promising technology. Therefore,

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this rule provides relief (in the form of limited duration compliance extensions) from otherwise applicable hazardous air pollutant emission standards, as needed during the conduct of the XL project.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4471

**Sectors Affected:** 32211 Pulp Mills; 32211 Pulp Mills

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**RIN:** 2090-AA26

**3218. NEW JERSEY GOLD TRACK PROJECT XL RULE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act; Resource Conservation and Recovery Act

**CFR Citation:** 40 CFR 50; 40 CFR 51; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270

**Legal Deadline:** None

**Abstract:** The Gold Track Program is a crucial part of NJDEP's efforts to create a State-run tiered performance-based program. Currently, facilities may join NJDEP's Silver Track Program, which is a lower-level tier that provides recognition for commitments to a certain level of environmental enhancement. Gold Track expands upon these environmental commitments, and offers proportionally greater recognition, as well as actual federal regulatory flexibility to participating facilities. NJDEP is partnering with EPA in the Gold Track effort under the XL program, so as to

be able to offer federal regulatory flexibility to Gold Track participants.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4533

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**RIN:** 2090-AA28

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

## Completed Actions

**3219. EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES AND STANDARDS FOR RECREATIONAL SPARK-IGNITION ENGINES**

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

**CFR Citation:** 40 CFR 94

**Completed:**

Reason	Date
Final Action	11/08/02 67 FR 68242

**Regulatory Flexibility Analysis Required:** Yes

**Government Levels Affected:** None

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**RIN:** 2060-AI11

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

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date
Final Action	01/21/03 68 FR 2820

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AH67

**3221. FEDERAL PLAN REQUIREMENTS FOR SMALL MUNICIPAL WASTE COMBUSTION UNITS CONSTRUCTED ON OR BEFORE AUGUST 30, 1999**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 62

**Completed:**

Reason	Date
Final Action	01/31/03 68 FR 5144

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local

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**RIN:** 2060-AJ46

**3222. PAPER AND OTHER WEB COATING NESHAP**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 59; 40 CFR 63

## EPA—Clean Air Act (CAA)

## Completed Actions

**Completed:**

Reason	Date
Final Action	12/04/02 67 FR 72330

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Paul A. Almodovar

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**RIN:** 2060-AG58**3223. NESHAP: MUNICIPAL SOLID WASTE LANDFILLS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date
Final Action	01/16/03 68 FR 2227

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** JoLynn Collins

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**RIN:** 2060-AH13**3224. AMEND SUBPART H AND I, 40 CFR PART 61, FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 61.93(a); 40 CFR 61.93(b)(2)(ii)**Completed:**

Reason	Date
Final Action	09/09/02 67 FR 57159

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal**Agency Contact:** Robin Anderson

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**RIN:** 2060-AI90**3225. NESHAP: FRICTION MATERIALS MANUFACTURING****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date
Final Action	10/18/02 67 FR 64498

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Kevin Cavender

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**RIN:** 2060-AJ18**3226. NESHAP: PESTICIDES ACTIVE INGREDIENTS — AMENDMENTS****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date
Final Action	09/20/02 67 FR 59336

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Randy McDonald

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**RIN:** 2060-AJ34**3227. NESHAP: PORTLAND CEMENT MANUFACTURING INDUSTRY, AMENDMENTS TO RULE TO IMPLEMENT SETTLEMENT AGREEMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63.1340 to 63.1359**Completed:**

Reason	Date
Final Action	12/06/02 67 FR 72580

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Keith Barnett

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**RIN:** 2060-AJ57**3228. NESHAP: PUBLICLY OWNED TREATMENT WORKS (POTW) — AMENDMENTS****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date
Final Action	10/21/02 67 FR 64742

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Robert Lucas

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**RIN:** 2060-AJ66**3229. MODIFICATION OF SOURCE CATEGORY LISTING FOR SEVEN SPECIFIC POLLUTANTS — CAA SECTION 112(C)(6)****Priority:** Info./Admin./Other**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date
Notice	11/08/02 67 FR 68124

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Ellen Wildermann

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## EPA—Clean Air Act (CAA)

## Completed Actions

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RIN: 2060-AK34

**3230. NESHAP: REVISION OF AREA SOURCE CATEGORY LIST UNDER SECTION 112(C)(3) AND 112(K)(3)(B)(II)**

Priority: Info./Admin./Other

CFR Citation: 40 CFR 63

Completed:

Reason	Date
Notice Second group	11/22/02 67 FR 71427

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060-AK40

**3231. SITE-SPECIFIC RULE FOR WEYERHAUSER SULFITE MILL**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date
Direct Final Rule	02/18/03 68 FR 7706

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060-AK53

**3232. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): BASELINE EMISSIONS DETERMINATION, ACTUAL-TO-FUTURE-ACTUAL METHODOLOGY, PLANTWIDE APPLICABILITY**

Priority: Other Significant

CFR Citation: 40 CFR 51.160 to 51.166; 40 CFR 52.21

Completed:

Reason	Date
Final Action	12/31/02 67 FR 80186

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State, Local

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RIN: 2060-AE11

**3233. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MARINE COMPRESSION-IGNITION ENGINES AT OR ABOVE 30 LITERS PER CYLINDER**

Priority: Other Significant

CFR Citation: 40 CFR 94

Completed:

Reason	Date
Final Action	02/28/03 68 FR 9746
Final Action Effective	04/29/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 2060-AJ98

**3234. REDUCTION OF THE AMBIENT AIR MONITORING FINE PARTICULATE COLLOCATED PRECISION REQUIREMENT**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 58

Completed:

Reason	Date
Direct Final Rule	12/31/02 67 FR 80326

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

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RIN: 2060-AK05

**3235. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82

Completed:

Reason	Date
Direct Final Action	01/27/03 68 FR 4003

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2060-AK30

**3236. PROTECTION OF STRATOSPHERIC OZONE: ADDITIONAL RECONSIDERATION OF PETITION CRITERIA AND INCORPORATION OF MONTREAL PROTOCOL DECISIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82

Completed:

Reason	Date
Final Action	12/31/02 67 FR 79861

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

## EPA—Clean Air Act (CAA)

## Completed Actions

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**RIN:** 2060-AK44

**3237. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2003**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 82.4

**Completed:**

Reason	Date
NPRM	11/06/02 67 FR 67581
Final Action	12/27/02 67 FR 79508

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AK48

**3238. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING QUARANTINE AND PRESHIPMENT APPLICATIONS OF METHYL BROMIDE**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 82.1 to 82.13

**Completed:**

Reason	Date
Final Action	01/02/03 68 FR 237

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AI42

**3239. AMENDMENTS TO STATE AND FEDERAL OPERATING PERMITS PROGRAMS, PART 70 AND PART 71, COMPLIANCE CERTIFICATION REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 70; 40 CFR 71 (Revisions)

**Completed:**

Reason	Date
Direct Final Rule 40 CFR 70 and 71 (Revisions)	03/01/01 66 FR 12872

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AJ04

**3240. REVISION TO THE REQUIREMENTS ON VARIABILITY IN THE COMPOSITION OF ADDITIVES CERTIFIED UNDER THE GASOLINE DEPOSIT CONTROL PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 80

**Completed:**

Reason	Date
Direct Final Rule	11/05/01 66 FR 55885

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AJ69

**3241. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES; SECOND AMENDMENT TO THE TIER 2/GASOLINE SULFUR REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date
Direct Final Rule and Concurrent NPRM	06/12/02 67 FR 40169

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AJ71

**3242. AMENDMENT TO THE HEAVY-DUTY ENGINE AND VEHICLE STANDARDS AND HIGHWAY DIESEL FUEL SULFUR REGULATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 69; 40 CFR 80; 40 CFR 86

**Completed:**

Reason	Date
Direct Final Rule	06/12/02 67 FR 40169

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AK47

**Environmental Protection Agency (EPA)**  
**Atomic Energy Act (AEA)**

Prerule Stage

**3243. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE DISPOSAL OF LOW-ACTIVITY MIXED RADIOACTIVE WASTE**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 193

**Legal Deadline:** None

**Abstract:** This voluntary action will allow low-activity mixed radioactive wastes to be disposed in facilities that meet the design requirements for RCRA-C disposal cells. The wastes intended to be disposed of in these cells are mixed wastes, consisting of a chemically hazardous component and

low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources. The rule is intended to increase disposal options for these wastes and offer a streamlined regulatory process which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. The rule does not mandate a disposal method, but rather permits an alternative to existing disposal methods. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of this rule.

**Timetable:**

Action	Date
ANPRM	05/00/03

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4054

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**RIN:** 2060-AH63

**Environmental Protection Agency (EPA)**  
**Atomic Energy Act (AEA)**

Proposed Rule Stage

**3244. TECHNICAL CHANGE TO DOSE METHODOLOGY FOR 40 CFR PART 190, SUBPART B AND 40 CFR 191, SUBPART A**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The purpose of this action is to make a technical change to the dose methodology used in subpart A of 40 CFR 191, entitled Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level Waste and

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

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4003

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**RIN:** 2060-AH90

**Environmental Protection Agency (EPA)**  
**Atomic Energy Act (AEA)**

Final Rule Stage

**3245. REVISION OF THE 40 CFR PART 194 WASTE ISOLATION PILOT PLANT COMPLIANCE CRITERIA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 106 Stat 4777 as amended by the 1996 LWA Amendments; PL 102-579; PL 104-201; Waste Isolation Pilot Plant Land Withdrawal Act of 1992

**CFR Citation:** 40 CFR 194.8(b)

**Legal Deadline:** None

**Abstract:** EPA is proposing several revisions to the compliance criteria in 40 CFR part 194: (1) addition of a process for making minor changes to the provisions of the Compliance Criteria (194.6); (2) changes to the approval process for waste characterization programs at the Department of Energy transuranic

(TRU) waste sites (194.8(b)); (3) changes to allow for submission of compliance applications and reference materials in alternative format (e.g., compact disk) (194.12 and 194.13); and replacement of the term "process knowledge" with "acceptable knowledge." The second item is the most significant change. Section 194.8(b) requires EPA to inspect TRU waste sites on a waste stream basis, and to initiate a notice-

## EPA—Atomic Energy Act (AEA)

Final Rule Stage

and-comment process for each inspection. If a site receives our approval to ship a single waste stream or group of waste streams, that site cannot ship a different waste stream until we perform an additional 194.8(b) inspection. Based on actual site inspection experience, we have learned that for regulatory purposes emphasis is better placed on the processes used to characterize the wastes streams rather than on the particular waste streams themselves. Also, we had witnessed DOE's capacity to properly characterize numerous waste streams at different waste generator sites. On this basis, we are proposing to alter the waste characterization approval process so that only one approval would be

issued per site. EPA will assign reporting requirements for waste characterization activities and specify any limitations that would necessitate additional inspections. The purpose of the proposed revisions to 194.8(b) is to achieve process and resources efficiencies while maintaining our confidence in DOE's technical capability to characterize wastes destined for the Waste Isolation Pilot Plant.

**Timetable:**

Action	Date
NPRM	08/09/02 67 FR 51930
Final Action	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4403

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**RIN:** 2060-AJ07

## Environmental Protection Agency (EPA)

Prerule Stage

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

**3246. ENDOCRINE DISRUPTOR SCREENING PROGRAM; PRIORITY SETTING CRITERIA**

**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:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** EPA published a proposed policy statement in the Federal Register setting forth the Endocrine Disruptor Screening Program on December 28, 1998. In that FR Notice, the Agency described the major elements of the Program EPA had developed to comply with the requirements of FFDCA section 408(p) as amended by FQPA. One of those elements is Priority Setting which was defined as the collection, evaluation, and analysis of relevant information to determine the general order in which chemical substances and mixtures will be subjected to screening and testing. Under this current action, EPA is developing a priority setting approach to be used by the Agency to identify the initial list of chemicals for which Tier 1 testing will be required. On December 30, 2002, EPA published in the Federal Register for public comment a proposed chemical selection approach for this initial list of chemicals. The public comment period on this proposed approach was extended to April 1, 2003, in a Federal

Register notice dated February 26, 2003. Following consideration of comments on this proposed approach, EPA will issue a Federal Register notice setting forth its final approach for selecting the first group of chemicals and the chemicals it proposes for this initial list. Although this action is not a rulemaking, the Agency has included it in the Regulatory Agenda to help inform the public.

**Timetable:**

Action	Date
Notice-Request for Comment on Proposed Approach	12/30/02 67 FR 79611
Notice-Extension of Comment Period	02/26/03 68 FR 8901
Notice-Final Priority Setting Approach for Initial List of Chemicals	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4727

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**RIN:** 2070-AD59

**3247. ACCEPTABILITY OF RESEARCH USING HUMAN SUBJECTS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 7 USC 136a; 7 USC 136w; 15 USC 2603; 21 USC 346a; 42 USC 300v-1(b); 42 USC 7601; 33 USC 1361; 42 USC 9615; 42 USC 11048; 42 USC 6912; 42 USC 300j-9

**CFR Citation:** 40 CFR 26 (Revision)

**Legal Deadline:** None

**Abstract:** EPA is evaluating its current policy with respect to the protection of human research subjects in testing not conducted or supported by the Agency. Current EPA regulations in 40 CFR part 26 apply to research conducted or supported by the Agency or "otherwise subject to regulation." No action has been taken yet to give effect to the "otherwise subject to regulation" phrase. In addition, EPA has asked the advice of the National Academy of Sciences (NAS) on several issues surrounding the acceptability and interpretation of third party studies involving deliberate dosing of human subjects for the purpose of defining or

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

Prerule Stage

quantifying toxic endpoints. EPA will seek public comment on issues related to Agency use of human research data in its regulatory decisionmaking. EPA believes the process being initiated will serve two important Agency goals: ensuring the availability of sound and appropriate scientific data in its decisions, and protection of the interests, rights and safety of human research subjects. EPA may issue one or more documents, which may include policy statements, rulemaking or requests for public comment.

**Timetable:**

Action	Date
ANPRM	05/07/03 68 FR 24410
ANPRM Comment Period End	08/05/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4610  
Docket No. OPP-2003-0132

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

**URL For More Information:**

<http://www.epa.gov/fedrgstr/EPA-GENERAL/2003/May/Day-07/g11002.htm>

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RIN: 2070-AD57

**3248. PESTICIDES; EMERGENCY EXEMPTION PROCESS REVISIONS**

Priority: Other Significant

Legal Authority: 7 USC 136p; 7 USC 136w

CFR Citation: 40 CFR 166

Legal Deadline: None

Abstract: EPA will publish a Federal Register notice announcing a limited

pilot to test two potential improvements to the pesticide emergency exemption process under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA has established regulations under section 18 of FIFRA which allow a Federal or State agency to apply for an emergency exemption to allow an unregistered use of a pesticide for a limited time when such use is necessary to alleviate an emergency condition. The notice will initiate the limited pilot, solicit public comment on the two streamlining improvements being piloted as well as a third potential improvement to allow exemptions for the purpose of pest resistance management, and announce EPA's plan to later issue a proposed rule addressing these potential improvements. The three improvements contemplated are based on recommendations from the States, which are the primary applicants for emergency exemptions, and refined based on informal input from a variety of other stakeholders.

**Timetable:**

Action	Date
Notice	04/24/03 68 FR 20145
Comment Period End	06/23/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4216  
Docket No. OPP-2002-0231

Sectors Affected: 9241 Administration of Environmental Quality Programs

**URL For More Information:**

<http://www.epa.gov/fedrgstr/EPA-PEST/2003/April/Day-24/p10169.htm>

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RIN: 2070-AD36

**3249. • PESTICIDE WORKER PROTECTION RULE (SECTION 610 REVIEW)**

Priority: Info./Admin./Other

Legal Authority: 7 USC 135

CFR Citation: 40 CFR 156; 40 CFR 170

Legal Deadline: None

**Abstract:** On August 21, 1992, the Environmental Protection Agency (EPA) issued final revisions to the Worker Protection Standards governing the protection of workers from agricultural pesticides. These revised regulations expand the scope of the standards to include not only workers performing hand labor operations in fields treated with pesticides, but employees in forests, nurseries, and greenhouses and employees who handle (mix, load, apply, etc.) pesticides for use in these locations. The revised regulations became effective January 1, 1995, and are applicable to agricultural farm workers and pesticide handlers working on farms, forests, nurseries, and greenhouses. In 1995 and 1996, the standards were amended to address specific concerns of the regulation community.

This new entry in the regulatory agenda announces that EPA will review this regulation pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). EPA solicits comments on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated.

In submitting comments, please reference Docket ID number OPP-2003-0115, and follow the instructions provided in Unit H. of the preamble to the Spring Regulatory Agenda.

**Timetable:**

Action	Date
Begin Review	05/00/03
End Comment Period	07/00/03
End Review	12/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

**EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****Prerule Stage****Government Levels Affected:** None**Additional Information:** SAN No. 4789**Sectors Affected:** 111 Crop Production; 1114 Greenhouse, Nursery and Floriculture Production; 1131 Timber Tract Operations; 115 Support Activities for Agriculture and Forestry**Agency Contact:** Donald Eckerman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460  
Phone: 703 305-5062  
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Phone: 703 308-7002  
Email: davis.kathy@epamail.epa.gov**RIN:** 2070-AD66**Environmental Protection Agency (EPA)****Proposed Rule Stage****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****3250. PESTICIDES; DATA REQUIREMENTS FOR CONVENTIONAL CHEMICALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(a) to 136(y)**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update the data requirements specifically necessary for the Agency to evaluate the registrability of conventional pesticide products. The revisions will clarify all data requirements to reflect current practice. Procedural and explanatory sections of the current regulations will be amended to make them consistent with the revised data requirements and new use indexing. EPA intends to accomplish this revision through a series of proposals, covering different data disciplines and product types. This proposal will cover the data requirements for environmental fate, ecological effects, product chemistry, residue chemistry, and human health and exposure data requirements for conventional pesticides.

**Timetable:**

Action	Date
NPRM-Product Chemistry and Human Health Portions	08/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2687**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing**Agency Contact:** Melissa L. Chun, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460Phone: 703 305-4027  
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Phone: 703 305-5944  
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Email: frane.jean@epa.gov**RIN:** 2070-AC12**3251. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136a; 7 USC 136c; 7 USC 136w**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update and revise its pesticide data requirements for antimicrobial products. The data requirements specify the data that are required for EPA to evaluate the registrability of a pesticide product. The revisions will clarify all antimicrobial data requirements to reflect current practice.

**Timetable:**

Action	Date
NPRM	09/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4173**Sectors Affected:** 32519 Other Basic Organic Chemical Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32561 Soap and Cleaning Compound Manufacturing**Agency Contact:** Paul Parsons, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C  
Phone: 703 308-9073  
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Email: parsons.paul@epa.gov**RIN:** 2070-AD30**3252. PESTICIDES; DATA REQUIREMENTS FOR BIOCHEMICAL AND MICROBIAL PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update the data requirements necessary to register a biochemical or microbial pesticide product. The revisions will codify data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for biochemical and microbial pesticides, including product chemistry and residue chemistry, toxicology and environmental fate and effects. The revision will not include plant incorporated protectants.

**Timetable:**

Action	Date
NPRM	09/00/03

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal**Additional Information:** SAN No. 4596**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing**Agency Contact:** Candace Brassard, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460

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

## Proposed Rule Stage

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**RIN:** 2070-AD51

### 3253. ENDOCRINE DISRUPTER SCREENING PROGRAM; IMPLEMENTING SCREENING AND TESTING PHASE

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

**Legal Authority:** 15 USC 2603 TSCA; 21 USC 346(a) FFDCA; 42 USC 300(a)(17) SDWA; 7 USC 136 FIFRA

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The screening and testing phase of the Endocrine Disruptor Screening Program (EDSP) potentially will encompass a broad range of types of chemicals, including pesticide chemicals, TSCA chemicals, chemicals that may be found in sources of drinking water, chemicals that may have an effect that is cumulative to the effect of a pesticide chemical, chemicals that are both pesticide chemicals and TSCA chemicals, and other chemicals that are combinations of these types of chemicals. This proposed rule will describe EPA's proposed procedures and processes that EPA will use when implementing the screening and testing phase of the EDSP. Specifically, depending on decisions that the Agency makes regarding implementation of the testing phase of the EDSP, the proposed rule will describe the authorities that it may invoke to require testing and, if necessary, establish the process that the Agency will use to require the testing.

**Timetable:**

Action	Date
NPRM-Proposed Procedural Rule	12/00/03

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4728

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**RIN:** 2070-AD61

### 3254. • ENDANGERED SPECIES AND PESTICIDE REGULATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 1531 et seq

**CFR Citation:** 50 CFR 402

**Legal Deadline:** None

**Abstract:** This notice will focus on regulations and policies affecting the process for consultation between EPA and the Fish and Wildlife Service and the National Marine Fisheries Service regarding EPA actions in its pesticide regulatory program under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). It will seek public comment on changes to current regulations, policies and practices of the EPA and Services to better integrate the FIFRA and Endangered Species Act processes and to improve the efficiency and effectiveness of consultations on pesticide actions to ensure that species that are Federally listed or proposed as threatened or endangered and their proposed or designated critical habitat are appropriately protected.

**Timetable:**

Action	Date
ANPRM	01/24/03 68 FR 3785
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4767

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**RIN:** 2070-AD62

### 3255. PESTICIDES; PROCEDURES FOR THE REGISTRATION REVIEW PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136a (g); 7 USC 136w

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Agency will establish procedures to implement section 3(g) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) which provides for periodic review of pesticide registrations. The goal of these regulations is to review a pesticide's registration every 15 years.

**Timetable:**

Action	Date
ANPRM	04/26/00 65 FR 24586
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4170

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

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

Proposed Rule Stage

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RIN: 2070-AD29

### 3256. PESTICIDES; EXEMPTION OF MEDICAL DEVICES TREATED WITH ANTIMICROBIAL PESTICIDES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136w

**CFR Citation:** 40 CFR 152.20

**Legal Deadline:** None

**Abstract:** This action will exempt from pesticide regulation medical devices

treated with antimicrobial pesticides. EPA has determined that these treated medical devices are adequately regulated by the Food and Drug Administration. This action would eliminate dual regulation of these products by EPA and FDA. EPA would continue to regulate the antimicrobial pesticide used to treat the medical device.

#### Timetable:

Action	Date
NPRM	10/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4609

**Sectors Affected:** 32619 Other Plastics Product Manufacturing; 31499 All Other Textile Product Mills

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RIN: 2070-AD54

## Environmental Protection Agency (EPA)

Final Rule Stage

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

### 3257. PESTICIDES; TOLERANCE PROCESSING FEES

**Priority:** Other Significant

**Legal Authority:** 21 USC 346(a)

**CFR Citation:** 40 CFR 180

**Legal Deadline:** None

**Abstract:** In 1996, the Food Quality Protection Act amended the Federal Food, Drug, and Cosmetic Act to require EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying, leaving in effect, or revoking a tolerance or tolerance exemption. Since 1983 (the last time a cost analysis was conducted), factors such as expanded data requirements, changes in risk assessment methods, improvements in data base management and tracking systems, and the increasing complexity of scientific review of petitions have resulted in costs substantially exceeding the fees currently charged. This rule will adjust the fee structure and fee amounts for tolerance actions.

#### Timetable:

Action	Date
NPRM Pesticides-Tolerance Processing Fees	06/09/99 64 FR 31039
Supplemental NPRM Processing Fees for Inert Ingredients	07/24/00 65 FR 45569

Action	Date
Supplemental NPRM Reopening of Comment Period	08/31/00 65 FR 52979
Final Action	07/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4027

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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RIN: 2070-AD23

### 3258. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEINS

**Priority:** Other Significant

**Legal Authority:** 21 USC 346(a) et seq; 7 USC 136 et seq

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants based on viral coat proteins to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to "prevent, repel or mitigate any pest." These substances are also "chemical pesticide residues" under the Federal Food, Drug, and Cosmetic Act (FFDCA). EPA has determined that it will no longer issue split registrations for biotechnology products. Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants based on viral coat proteins from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

#### Timetable:

Action	Date
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

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

Final Rule Stage

Action	Date
Supplemental NPRM- Request for Comment on Alternate Name	04/23/99 64 FR 19958
Supplemental NPRM Seeking Additional Comment Based on NAS Report	07/19/01 66 FR 37855
Final Action-FFDCA	10/00/03

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4602**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing; 111 Crop Production; 54171 Research and Development in the Physical Sciences and Engineering Sciences**Agency Contact:** Elizabeth Milewski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460

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**RIN:** 2070-AD49**3259. PESTICIDE MANAGEMENT AND DISPOSAL; STANDARDS FOR PESTICIDE CONTAINERS AND CONTAINMENT****Priority:** Other Significant**Legal Authority:** 7 USC 136(q); FIFRA sec 19; 7 USC 136(a); FIFRA sec 3; 7 USC 136(w); FIFRA sec 25**CFR Citation:** 40 CFR 156; 40 CFR 165**Legal Deadline:** Final, Statutory, December 24, 1991.**Abstract:** FIFRA section 19 gives EPA authority to regulate the management of pesticides and their containers, including storage, transportation and disposal. As proposed, this rule would establish standards for removal of pesticides from containers and for rinsing containers; facilitate the safe use, refill, reuse, and disposal of pesticide containers by establishing

standards for container design, labeling and refilling; and establish requirements for containment of stationary bulk containers and for containment of pesticide dispensing areas.

**Timetable:**

Action	Date
Supplemental NPRM 1 Standards for Pesticide Containers and Containment	10/21/99 64 FR 56918
Supplemental NPRM 2 Comment Period Extended	12/21/99 64 FR 71368
NPRM Comment Period Extended	02/24/00 65 FR 9234
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2659**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing; 11511 Support Activities for Crop Production; 42291 Farm Supplies Wholesalers**Agency Contact:** Nancy Fitz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C

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**RIN:** 2070-AB95**3260. PESTICIDE WORKER PROTECTION STANDARD (WPS); GLOVE AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(w)**CFR Citation:** 40 CFR 170**Legal Deadline:** None**Abstract:** This final rule would create greater flexibility in requirements of the 1992 Worker Protection Standard related to the use of gloves by workers and applicators.**Timetable:**

Action	Date
NPRM	09/09/97 62 FR 47544
Final Action	06/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3731**Sectors Affected:** 111 Crop Production; 1114 Greenhouse, Nursery and Floriculture Production; 1131 Timber Tract Operations; 115 Support Activities for Agriculture and Forestry**Agency Contact:** Nancy Vogel, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C

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**RIN:** 2070-AC93**3261. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(a)(h); 7 USC 136(w)**CFR Citation:** 40 CFR 152**Legal Deadline:** Final, Statutory, September 15, 2000, Final rule 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.

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

Final Rule Stage

**Timetable:**

Action	Date
NPRM	09/17/99 64 FR 50671
NPRM Comment Period Extended	11/16/99 64 FR 62145
Final Rule-Original Labeling and Other Regulatory Portions	12/14/01 66 FR 64759
Final Rule- Antimicrobial Procedural Portion Only	09/00/03

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3892

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

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**RIN:** 2070-AD14

## Environmental Protection Agency (EPA)

Long-Term Actions

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

**3262. PESTICIDE TOLERANCE REASSESSMENT PROGRAM**

**Priority:** Routine and Frequent

**Legal Authority:** 21 USC 346(a) to 346(q)

**CFR Citation:** 40 CFR 180

**Legal Deadline:** Other, Statutory, August 3, 2006, See additional information.

**Abstract:** EPA will reassess pesticide tolerance actions for raw and processed foods (i.e., maximum residue limits) established prior to August 3, 1996, to determine whether they meet the reasonable certainty of no-harm standard of the Federal Food, Drug and Cosmetic Act (FFDCA). FFDCA section 408(q), as amended by the Food Quality Protection Act (FQPA), requires that EPA conduct this reassessment on a phased 10-year schedule. Based on its reassessment, EPA will take a series of regulatory actions to modify or revoke tolerances. Since such actions are issued on a chemical-by-chemical basis, this regulatory plan entry does not list the individual actions that are likely to occur under this program. For status information about the individual chemicals, go to <http://www.epa.gov/pesticides>.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4175

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AD24

**3263. PESTICIDE MANAGEMENT AND DISPOSAL**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 165

**Legal Deadline:** None

**Abstract:** This action develops procedures for mandatory and voluntary recall actions under section 19(b) of FIFRA and would establish criteria for acceptable storage and disposal plans which registrants may submit to this Agency to become eligible for reimbursement of storage costs. This action establishes procedures for indemnification of owners of suspended and canceled pesticides for disposal.

**Timetable:**

Action	Date
NPRM	05/05/93 58 FR 26856
Final Action	To Be Determined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3432

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**RIN:** 2020-AA33

**3264. PLANT-INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS**

**Priority:** Other Significant

**Legal Authority:** 7 USC 136 et seq; 21 USC 346a et seq

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants derived through genetic engineering from sexually compatible plants to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal

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

## Long-Term Actions

Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel or mitigate any pest.” These substances are also “chemical pesticide residues” under the Federal Food, Drug, and Cosmetic Act (FFDCA). EPA has determined that it will no longer issue split registrations for biotechnology products. Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants derived through genetic engineering from sexually compatible plants from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a recent Supplemental Proposal (66 FR 37855).

**Timetable:**

Action	Date	
NPRM	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM	05/16/97	62 FR 27132
Supplemental NPRM- Request for Comment on Alternate Name	04/23/99	64 FR 19958
Supplemental NPRM Comment Period Extended	08/20/01	66 FR 43552
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4611

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

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**RIN:** 2070-AD55

**3265. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT**

**Priority:** Other Significant

**Legal Authority:** 7 USC 136 et seq; 21 USC 346a et seq

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants that act by primarily affecting the plant to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel or mitigate any pest.” These substances are also “chemical pesticide residues” under the Federal Food, Drug, and Cosmetic Act (FFDCA). EPA has determined that it will no longer issue split registrations for biotechnology products. Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants that act by primarily affecting the plant from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a recent Supplemental Proposal (66 FR 37855).

**Timetable:**

Action	Date	
NPRM-FIFRA Exemption	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM	05/16/97	62 FR 27132
Supplemental NPRM	04/23/99	64 FR 19958
Supplemental NPRM	07/19/01	66 FR 37855
NPRM-FFDCA Tolerance Exemption	To Be	Determined
Final Rule-FIFRA Exemption	To Be	Determined
Final Rule-FFDCA Tolerance Exemption	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4612

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

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**RIN:** 2070-AD56

**3266. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE**

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

**Legal Authority:** 7 USC 136(a) FIFRA sec 3; 7 USC 136(w)

**CFR Citation:** 40 CFR 152.170

**Legal Deadline:** None

**Abstract:** This regulation as proposed would establish Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority had an EPA-approved plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities. Several parameters of the program described in the proposed rule are being reconsidered to determine whether the program can address water quality issues rather than groundwater only, and to determine the best partnership approach to implementation.

**Timetable:**

Action	Date	
NPRM	06/26/96	61 FR 33259

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

## Long-Term Actions

Action	Date
Notice of Availability Regarding Metolachlor	02/23/00 65 FR 8925
Final Action	To Be Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3222

Sectors Affected: 9241 Administration of Environmental Quality Programs

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RIN: 2070-AC46

## Environmental Protection Agency (EPA)

## Completed Actions

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

**3267. PLANT-INCORPORATED PROTECTANTS (FORMERLY PLANT PESTICIDES) RULEMAKINGS**

Priority: Other Significant

CFR Citation: 40 CFR 152.20; 40 CFR 174

**Completed:**

Reason	Date
Final Action Plant-Incorporated Protectants (PIPs) Under FIFRA	07/19/01 66 FR 37771

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

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RIN: 2070-AC02

## Environmental Protection Agency (EPA)

## Prerule Stage

## Toxic Substances Control Act (TSCA)

**3268. • LEAD; REQUIREMENTS FOR LEAD-BASED PAINT ACTIVITIES IN TARGET HOUSING AND CHILD-OCCUPIED FACILITIES (SECTION 610 REVIEW)**

Priority: Info./Admin./Other

Legal Authority: TSCA 402 and 404; 15 USC 2682; 15 USC 2684

CFR Citation: 40 CFR 745

Legal Deadline: None

**Abstract:** In August, 1996, the Environmental Protection Agency (EPA) promulgated regulations under section 402 of the Toxic Substances Control Act (TSCA) to ensure that individuals conducting lead-based paint activities in target housing and child-occupied facilities are properly trained and certified, that training programs providing instruction in such activities are accredited and that these activities are conducted according to reliable, effective and safe work practice standards. EPA also finalized a Federal regulation under section 404 of TSCA that allows States and Indian Tribes to seek authorization to administer and enforce the regulations developed

under section 402 for the training and certification of individuals conducting LBP activities and the accreditation of training programs for LBP activities in 1996 (August 29, 1996, 61 FR 45778). EPA performed an analysis of the potential impacts on small entities and determined that this action is likely to have a modest adverse economic impact on a substantial number of small entities. The TSCA section 404 regulations became effective August 29, 1998. The final rule then provided for an additional phase-in period for the requirements for training program accreditation, individual and firm certification, and work practice standards. Regulations for accreditation of training programs became effective on March 1, 1999. Regulations for certification of individuals and firms became fully effective on March 1, 2000.

This new entry in the regulatory agenda announces that EPA will review this regulation pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). EPA solicits comments on the continued need for the rule; the complexity of the rule; the extent to

which it overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated.

In submitting comments, please reference Docket ID number OPPT-2003-0015, and follow the instructions provided in Unit H. of the preamble to the Spring Regulatory Agenda.

**Timetable:**

Action	Date
Begin Review	05/00/03
Comment Period End	07/00/03
End Review	12/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4788

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## EPA—Toxic Substances Control Act (TSCA)

Prerule Stage

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RIN: 2070-AD65

**Environmental Protection Agency (EPA)**  
**Toxic Substances Control Act (TSCA)**

Proposed Rule Stage

**3269. LEAD-BASED PAINT ACTIVITIES; TRAINING AND CERTIFICATION FOR RENOVATION AND REMODELING**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 15 USC 2603; TSCA 4; PL 102-550 sec 402(c)(3)

**CFR Citation:** 40 CFR 745

**Legal Deadline:** Final, Statutory, October 28, 1996.

**Abstract:** Under section 402(c)(2) of the Toxic Substances Control Act (TSCA) title IV, EPA conducted a study of the extent to which persons engaged in renovation and remodeling activities in target housing are exposed to lead in the conduct of such activities or disturb lead and create a lead-based paint hazard. EPA must use the results of this study and consult with interested parties to determine which categories of renovation and remodeling activities require training and certification. EPA must then revise the training and certification regulations originally developed for individuals performing lead-based paint abatement under section 402(c)(a) of TSCA title IV to apply them to the renovation and remodeling categories. If EPA determines that any category does not require certification, EPA must publish an explanation of the basis for that determination.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3557

**Sectors Affected:** 23321 Single Family Housing Construction; 23322 Multifamily Housing Construction; 23521 Painting and Wall Covering Contractors; 23551 Carpentry Contractors; 23599 All Other Special Trade Contractors; 53111 Lessors of Residential Buildings and Dwellings; 53131 Residential Property Managers; 54138 Testing Laboratories

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**RIN:** 2070-AC83

**3270. AMENDMENT TO THE PREMANUFACTURE NOTIFICATION EXEMPTIONS; REVISIONS OF EXEMPTIONS FOR POLYMERS (40 CFR PART 723)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 723

**Legal Deadline:** None

**Abstract:** This regulatory action will eliminate exemptions under the Polymer Exemption Rule for certain chemicals containing or related to perfluorooctyl sulfonate (PFOS) and perfluorooctanoic acid (PFOA). Based on data on PFOS and PFOA, EPA believes that these substances and other structurally related substances may persist in the environment, bioaccumulate, and be toxic. Certain polymers which contain PFOS, PFOA, or structurally similar substances, or which could release such substances as a degradation or incineration product

would no longer qualify for exemption from TSCA section 5 reporting.

**Timetable:**

Action	Date
NPRM	08/00/03
Final Action	03/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4635

**Sectors Affected:** 325 Chemical Manufacturing; 326 Plastics and Rubber Products Manufacturing; 327 Nonmetallic Mineral Product Manufacturing

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**RIN:** 2070-AD58

**3271. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 42 USC 9604(i) CERCLA 104(i); 42 USC 9601 CERCLA; 15 USC 2611 TSCA 12; 42 USC 7401 112(b)(4) CAA; 42 USC 7412 (b)(4)&(b)(1) CAA; 42 USC 7403 (d) CAA

**CFR Citation:** 40 CFR 790

**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of eight chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP), and EPA pursuant to

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. In addition, this action would require manufacturers and processors to develop data for these chemicals that will be used by EPA under the Clean Air Act (CAA) to evaluate residual risks from hazardous air pollutants (HAPs) on the list of HAPs in the CAA under section 112(f), 42 USC 7412(f) and sections 112(d and e). Data from this action would also be used to support implementation of several provisions of section 112 of the CAA including, determining risks remaining after the application of technology based standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed (delisted) from section (b)(1) of the CAA list of HAPS.

**Timetable:**

Action	Date
NPRM	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 2563**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**Agency Contact:** Robert Jones, Environmental Protection Agency,

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**RIN:** 2070-AB79**3272. TEST RULE; DEVELOPMENTAL AND REPRODUCTIVE TOXICITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603; 15 USC 2607(a); 15 USC 2611; 15 USC 2625**CFR Citation:** 40 CFR 799; 40 CFR 704**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4 of the Toxic Substances Control Act (TSCA) that would require manufacturers, defined by statute to include importers, and processors of seven (7) substances to conduct testing for developmental and/or reproductive toxicity. EPA is also proposing reporting rules for two of the seven substances. These rules would require the reporting of production volumes so it will be possible to determine when the testing program can be triggered for the two substances without causing a significant impact on revenues. This is a re-proposal of a test rule announced March 4, 1991 (56 FR 9092).

**Timetable:**

Action	Date
NPRM-Original	03/04/91 56 FR 9092
NPRM-Reproposal	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4395**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**Agency Contact:** Catherine Roman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AD44**3273. FOLLOW-UP RULES ON EXISTING CHEMICALS****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604; TSCA 5; 15 USC 2607; TSCA 8**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM-2-4 Original 2,4-Pentanedione SNUR	09/27/89 54 FR 39548
NPRM-Chloranil	05/12/93 58 FR 27980
NPRM-Benzidine- Based Chemical Substances	08/30/95 60 FR 45119
Final-Benzidine- Based Chemical Substances	10/07/96 61 FR 52287
NPRM-Heavy Metal- Based Pigments in Aerosol Spray Paints SNUR	01/15/02 67 FR 1937
Final-Heavy Metal- Based Pigments in Aerosol Spray Paints SNUR	11/00/03
NPRM-2-4 2,4- Pentanedione SNUR (Reproposal)	12/00/03

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

Action	Date
NPRM- Methylcyclopentane SNUR	06/00/04
NPRM-2-2- Ethoxyethanol & 2- Methoxyethanol & 2-Methoxyethanol Acetate	06/00/04
NPRM-Certain Chemical Substances No Longer in Production SNUR	06/00/04
NPRM-o-Tolidine & o- Dianisidine-Based Dyes (Benzidine Congener Dyes)	09/00/04
Final-Amendment to Benzidine-Based Chemical Substances SNUR	06/00/05
Final-Chloranil SNUR	06/00/05

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal**Additional Information:** SAN No. 1923**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Barbara Leczynski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AA58**3274. SIGNIFICANT NEW USE RULE; SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2604; TSCA 5**CFR Citation:** 40 CFR 704; 40 CFR 721; 40 CFR 707; 40 CFR 710**Legal Deadline:** None**Abstract:** EPA is proposing a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals for use in residential upholstered furniture. The SNUR would require companies wanting to import or manufacture these chemicals for the significant new uses described in the proposed rule to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities.**Timetable:**

Action	Date
NPRM	09/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State**Additional Information:** SAN No. 4512**Sectors Affected:** 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing**Agency Contact:** Carolyn Grandson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
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Phone: 202 564-8082  
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Action	Date
NPRM	02/00/04

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4777**Sectors Affected:** 53111 Lessors of Residential Buildings and Dwellings; 53121 Offices of Real Estate Agents and Brokers; 53131 Residential Property Managers; 92511 Administration of Housing Programs; 522292 Real Estate Credit**Agency Contact:** Ellie Clark, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

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**RIN:** 2070-AD64

**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)**

Final Rule Stage

**3276. LEAD FISHING SINKERS;  
RESPONSE TO CITIZENS PETITION  
AND PROPOSED BAN**

Priority: Other Significant

Legal Authority: 15 USC 2605 TSCA  
6

CFR Citation: 40 CFR 745

Legal Deadline: None

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

**Timetable:**

Action	Date
ANPRM	05/13/91 56 FR 22096
NPRM	03/09/94 59 FR 11122
Final Action	12/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3252

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RIN: 2070-AC21

**3277. LEAD; MANAGEMENT AND  
DISPOSAL OF LEAD-BASED PAINT  
DEBRIS**

Priority: Other Significant

Legal Authority: 15 USC 2601 to 2671;  
42 USC 6901 to 6992

CFR Citation: 40 CFR 745

Legal Deadline: None

**Abstract:** Currently, waste derived from lead-based paint (LBP) abatements is managed under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Other Federal agencies (Department of Housing and Urban Development, Department of Health and Human Services) and several States and advocacy groups have expressed concern that the costs associated with the disposal of large volume architectural components (e.g., doors and windows) may interfere with abatement activities. EPA's Office of Prevention, Pesticides and Toxic Substances and the Office of Solid Waste have initiated a joint rulemaking to address the disposal of these architectural components. This rulemaking would develop disposal standards for these components under the Toxic Substances Control Act (TSCA) title IV, (the definition of abatement under TSCA title IV, section 401(1)(B), includes disposal). The TSCA regulations would establish appropriate disposal standards for LBP architectural components and identify recycling and incineration activities that would be controlled or prohibited. To minimize duplication of waste management requirements, EPA is developing a companion RCRA rule to suspend temporarily hazardous waste management regulations applicable to lead-based paint debris which will be subject to the new TSCA standards.

**Timetable:**

Action	Date
NPRM TSCA Proposal	12/18/98 63 FR 70189
Comment Extension	02/12/99 64 FR 7159
Final Action	04/00/04

**Regulatory Flexibility Analysis**

Required: No

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

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 3508

**Sectors Affected:** 233 Building, Developing and General Contracting; 23321 Single Family Housing Construction; 23332 Commercial and Institutional Building Construction; 23521 Painting and Wall Covering Contractors; 23542 Drywall, Plastering, Acoustical and Insulation Contractors; 23511 Plumbing, Heating and Air-Conditioning Contractors; 23594 Wrecking and Demolition Contractors; 23592 Glass and Glazing Contractors; 54138 Testing Laboratories; 562111 Solid Waste Collection

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RIN: 2070-AC72

**3278. LEAD; NOTIFICATION  
REQUIREMENTS FOR LEAD-BASED  
PAINT ABATEMENT ACTIVITIES AND  
TRAINING**

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2682; TSCA 402; 15 USC 2687; TSCA 407; PL 102-550

CFR Citation: 40 CFR 745

Legal Deadline: None

**Abstract:** EPA is issuing this rule under the authority of section 407 of the Toxic Substances Control Act (TSCA) to establish notification procedures for lead abatement professionals (certified under 40 CFR 745.226) conducting lead-based paint activities, and training programs (accredited under 40 CFR 225) providing lead-based paint activities courses. Specifically, this rule seeks to

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

establish procedures to notify the Agency prior to commencement of lead-based paint abatement activities as required by 40 CFR 745.227(e)(4). In addition, this rule seeks to establish provisions which would require training programs accredited under 40 CFR 745.225 to notify the Agency under the following conditions: (1) prior to providing lead-based paint activities, training, and (2) following completion of lead-based paint activities courses. These notification requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track compliance activity and to prioritize inspections. This rule supports 40 CFR part 745, subpart L to ensure that lead abatement professionals who inspect, assess and remove lead-based paint, dust or soil are well qualified, trained, and certified to conduct these activities.

**Timetable:**

Action	Date
NPRM	01/22/01 66 FR 7207
Final Action	06/00/03

**Regulatory Flexibility Analysis**

Required: No

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

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

**Additional Information:** SAN No. 4172

**Sectors Affected:** 611519 Other Technical and Trade Schools

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**RIN:** 2070-AD31

**3279. SIGNIFICANT NEW USE RULES; FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 TSCA 5

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

**Timetable:**

Action	Date
NPRM-84-1056 Alkyl & Sulfonic Acid & Ammonium Salt (84-1056)	06/11/86 51 FR 21199
NPRM-86-566 1-Decanamine-N-Decyl-N-Methyl-N-Oxide (86-566)	12/08/87 52 FR 46496
NPRM-Aluminum Aluminum Cross-linked Sodium Carboxymethylcellulose	06/11/93 58 FR 32628
Final Action-84-1056 Alkyl & Sulfonic Acid & Ammonium Salt (84-1056)	06/00/03
Final Action-86-566 1-Decanamine-N-Decyl-N-Methyl-N-Oxide (86-566)	06/00/03
Final Action-Aluminum Aluminum Cross-linked Sodium Carboxymethylcellulose	06/00/03

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 1976

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

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**RIN:** 2070-AA59

**3280. SIGNIFICANT NEW USE RULE (SNUR); CHEMICAL-SPECIFIC SNURS TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604; TSCA 5

**CFR Citation:** 40 CFR 721

**Legal Deadline:** None

**Abstract:** When the Agency determines that uncontrolled manufacture, import, processing, distribution, use or disposal of a premanufacture notification (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can manufacture, import or process the substance without controls. Therefore, EPA extends the controls to apply to others by designating manufacture, import or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA routinely publishes batch SNURs containing routine section 5(e) and non-5(e) SNURs. However, certain activities, such as modifications,

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withdrawals, revocations, and SNURs upon which comments are received in the direct final publication process, are subject to notice and comment rulemaking and are listed below.

**Timetable:**

Action	Date
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	09/09/98 63 FR 48157
Final Action Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297)	05/00/03
Final Action Aromatic Amino Ether (P90-1840)	05/00/03
Final Action Alkenyl Ether of Alkanetriol Polymer (93-458)	05/00/03
Final Action Certain Chemical Substances	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3495

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

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**RIN:** 2070-AB27

**3281. TEST RULE; GENERIC ENTRY FOR ITC RELATED TESTING DECISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

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

**Legal Deadline:** None

**Abstract:** EPA is requiring testing via rules, or will obtain testing through enforceable consent agreements (ECAs) or publish a notice which provides the reasons for not doing so for chemicals listed herein. These chemicals have been designated for priority testing consideration by the ITC or recommended for testing consideration (for which the 12-month statutory requirement does not apply). The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes.

**Timetable:**

Action	Date
ANPRM Aryl Phosphates (ITC List 2)	12/29/83 48 FR 57452
NPRM Brominated Flame Retardants	06/25/91 56 FR 29140
NPRM Aryl Phosphates (ITC List 2)	01/17/92 57 FR 2138
Final Action-ECA DiBasic Esters (CPSC)	08/05/99 64 FR 42692
Final Action-ECA 1,1,2-Trichloroethane (TCE)	06/15/00 65 FR 37550
Final Action-ECA Ethylene Dichloride (EDC)	05/00/03
Final Action ITC Chemicals (ITC List 28)	12/00/03
Final Action-ECA Aryl Phosphates (ITC List 2)	06/00/04
Final Action-ECA Maleic Anhydride	06/00/04
Final Action-ECA Hydrogen Fluoride	12/00/04
Final Action-ECA Phthalic Anhydride	06/00/05

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493

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

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**RIN:** 2070-AB94

**3282. TEST RULE; CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603; 15 USC 2611 to 2612; 15 USC 2625 to 2626

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

**Legal Deadline:** None

**Abstract:** This rule will require testing and recordkeeping requirements for certain high production volume (HPV) chemicals (i.e., chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis). Although varied based on specific data needs for the particular chemical, the data generally collected under this rule may include: acute toxicity, repeat dose toxicity, developmental and reproductive toxicity; mutagenicity ecotoxicity, and environmental fate. The first rule proposed testing for 37 HPV chemicals with substantial worker exposure. The action is part of the Chemical Right-to-Know Initiative, which is described in The Regulatory Plan.

**Timetable:**

Action	Date
NPRM	12/26/00 65 FR 81658
Final Action	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3990

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

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**RIN:** 2070-AD16

**3283. TEST RULE; IN VITRO DERMAL ABSORPTION RATE TESTING OF CERTAIN CHEMICALS OF INTEREST TO THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

**CFR Citation:** 40 CFR 700 to 799

**Legal Deadline:** None

**Abstract:** EPA is requiring manufacturers (which is defined by statute to include importers) and processors of 38 chemical substances of interest to the Occupational Safety and Health Administration (OSHA) to conduct testing for in vitro dermal absorption rate testing. These chemicals, and others, were designated for in vitro dermal absorption rate testing in the 31st, 32nd, and 35th Reports of the TSCA section 4(e) Interagency Testing Committee (ITC) to the EPA. Each of the chemical substances included in this proposed rule is produced in an amount equal to or greater than one million pounds per year. In addition, each of the chemicals in this proposed rule was identified in the National Occupational Exposure Survey (NOES) as having a total potential worker exposure of greater than 1,000 workers. OSHA has indicated that it needs quantitative measures of dermal absorption rate in order to evaluate the potential hazard of these chemicals to workers.

**Timetable:**

Action	Date
NPRM-ITC List 31, 32 & 35	06/09/99 64 FR 31074
Final Action	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4425

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

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**RIN:** 2070-AD42

**3284. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2607(a) TSCA 8(a)

**CFR Citation:** 40 CFR 712

**Legal Deadline:** None

**Abstract:** These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. These data will also support risk assessment and test rule decisions.

**Timetable:**

Action	Date
Final 37th ITC List	02/28/96 61 FR 7421
Final 38th ITC List	10/29/96 61 FR 55871
Final 38th ITC List- Stay	12/11/96 61 FR 65186
Final 38th ITC List- Stay/Technical Amendments	01/07/98 63 FR 684

Action	Date
Final 38th ITC List- Revocation	01/11/00 65 FR 1548
Final 39th ITC List	01/11/00 65 FR 1548
Final 41st ITC List	07/05/00 65 FR 41371
Final 42nd ITC List	07/24/00 65 FR 45535
Final 47th ITC List	07/26/01 66 FR 38955
Final 48th ITC List	06/00/03
Final 50th ITC List	06/00/03
Final 51st ITC List	06/00/03
Final 52nd ITC List	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 2178

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

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**RIN:** 2070-AB08

**3285. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2607(d) TSCA 8(d)

**CFR Citation:** 40 CFR 716

**Legal Deadline:** None

**Abstract:** These rules require manufacturers, importers, and processors to submit unpublished health and safety data on chemicals added to the requirements of the Toxic Substances Control Act section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee.

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**Timetable:**

Action	Date
Final 38th ITC List	10/29/96 61 FR 55871
Final 38th ITC List-Stay	12/11/96 61 FR 65186
Final 38th ITC List-Stay/Technical Amendment	01/07/98 63 FR 684
Final 38th ITC List-Revocation	01/11/00 65 FR 1548
Final 51st ITC List Has Actions From Lists 39, 41, 42, 47, 48, and 50	08/00/03
Final 52nd ITC List	01/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 1139**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Gerry Brown, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AB11**3286. TSCA SECTION 8(E) POLICY; NOTICE OF CLARIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2607(e) TSCA 8(e)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The TSCA section 8(e) Notice of Clarification and Solicitation of Public Comment would change certain aspects of the 1978 TSCA section 8(e) Policy Statement. The 1978 Policy Statement describes the types of information that EPA considers reportable under section 8(e), the substantial risk reporting provision of TSCA, and describes the procedures for

reporting such information to EPA. This clarification effort derives from a review of the existing section 8(e) guidance done in the context of questions raised by companies considering participating in the section 8(e) Compliance Audit Program (CAP). As a result of this review, EPA determined that parts of the 1978 Policy Statement concerning the reportability of information on widespread and previously unsuspected distribution in environmental media and emergency incidents of environmental contamination needed some refinement. The subject Federal Register action solicited comment on refined reporting guidance concerning widespread and previously unsuspected distribution in environmental media and provides additional circumstances where information is not reportable because it is considered known to the Administrator. Finally, the notice solicited comments on changes to the section 8(e) reporting deadline and the standards for claims of confidentiality for information contained in a notice of substantial risk under section 8(e).

**Timetable:**

Action	Date
NPRM	07/13/93 58 FR 37735
Final Action	06/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3118**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Richard Hefter, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7403M, Washington, DC 20460

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**RIN:** 2070-AC80**3287. • TSCA INVENTORY UPDATE RULE REVISIONS****Priority:** Other Significant**Legal Authority:** 15 USC 2607(a) TSCA 8(a)**CFR Citation:** 40 CFR 710**Legal Deadline:** None

**Abstract:** In this follow-on action to the Inventory Update Rule Amendments (IURA) (RIN 2070-AC61) that was finalized in January 2003, EPA is making additional changes to the IUR to adjust the submission period, the reporting frequency, and the recordkeeping period, and will remove obsolete regulatory text associated with IUR reporting that occurred in 2002. Since EPA does not anticipate adverse comments on these revisions, which are either technical in nature or are expected to reduce burden, EPA intends to make these changes through a direct final rulemaking.

**Timetable:**

Action	Date
Direct Final Rule-Follow-up Technical Amendment to Reporting Cycle	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3301**Sectors Affected:** 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing**Agency Contact:** Susan Sharkey, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7406M, Washington, DC 20460

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**RIN:** 2070-AD63

**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)**
**Long-Term Actions**
**3288. 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.

**Timetable:**

Action	Date
Model Plan	05/13/92 57 FR 20438
Interim Final Rule	02/03/94 59 FR 5236
Final Action	05/00/06

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3148

**Sectors Affected:** 611519 Other Technical and Trade Schools

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**RIN:** 2070-AC51

**3289. LEAD-BASED PAINT  
ACTIVITIES; TRAINING,  
ACCREDITATION, AND  
CERTIFICATION RULE AND MODEL  
STATE PLAN RULE — BRIDGES AND  
STRUCTURES**

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

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

**Legal Authority:** 15 USC 2603 TSCA 4; PL 102-550 sec 402; PL 102-550 sec 404

**CFR Citation:** 40 CFR 745

**Legal Deadline:** Final, Statutory, April 28, 1994.

**Abstract:** The Residential Lead-Based Paint Hazard Reduction Act of 1992 mandates EPA promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program which may be adopted by any State which seeks to administer and enforce a State Program. EPA promulgated regulations for training and certification of training programs for LBP activities and child occupied facilities in 1996 (see 40 CFR 745). Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

**Timetable:**

Action	Date
NPRM (Buildings & Structures)	06/00/04
Final Action (Buildings & Structures)	10/00/05

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4376

**Sectors Affected:** 23411 Highway and Street Construction; 611519 Other Technical and Trade Schools

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**RIN:** 2070-AC64

**3290. POLYCHLORINATED  
BIPHENYLS (PCBS); EXEMPTIONS  
FROM PROHIBITIONS AGAINST  
MANUFACTURING, PROCESSING,  
AND DISTRIBUTION IN COMMERCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2605 TSCA 6(e)(3)(B)

**CFR Citation:** 40 CFR 761

**Legal Deadline:** None

**Abstract:** Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions against manufacturing, processing and distribution in commerce of PCBs upon finding that (1) no unreasonable risk to health or the environment will occur, and (2) good faith efforts have been made by the petitioner to develop a substitute for PCB which does not pose an unreasonable risk of injury to health or the environment. In addition, the Interim Procedural Rules were amended to require certain petitioners to reapply for EPA approval to continue PCB activities previously approved by EPA.

**Timetable:**

Action	Date
NPRM	12/06/94 59 FR 62875
NPRM (2)	09/17/02 67 FR 58567
Final (2)	01/31/03 68 FR 4934
Final (1)	11/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 2150

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

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**RIN:** 2070-AB20

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**3291. DISPOSAL OF POLYCHLORINATED BIPHENYLS: IMPLEMENTATION ISSUES**

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

**Legal Authority:** 15 USC 2607; TSCA 6

**CFR Citation:** 40 CFR 761 (Revision)

**Legal Deadline:** None

**Abstract:** This proposed regulation will clarify and expand on implementation issues that have arisen as a result of the publication of the 1998 PCB Disposal Amendments (63 FR 35384). Topics will include but not be limited to: Use authorizations, public participation process, appeals process, natural gas pipelines, testing and analysis, manifesting of PCB waste, publication process for validated alternate decontamination solvents 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
NPRM	06/00/04

**Regulatory Flexibility Analysis Required:** No

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4597

**Sectors Affected:** 92 Public Administration; 22 Utilities; 562 Waste Management and Remediation Services; 81 Other Services (except Public Administration); 54 Professional, Scientific and Technical Services; 48-49 Transportation; 53 Real Estate and Rental and Leasing; 31-33 Manufacturing

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**RIN:** 2070-AD52

**3292. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603; TSCA 4; 15 USC 2611; TSCA 12; 15 USC 2625; TSCA 26

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

**Legal Deadline:** None

**Abstract:** This is a voluntary program to evaluate commercial chemicals to which children may have a high likelihood of exposure. Designed with extensive stakeholder participation, the purpose of this voluntary program is to obtain toxicity and exposure data needed to assess the risk of childhood exposure to commercial chemicals. EPA launched a pilot of this program on December 26, 2000. Manufacturers of 20 of the 23 pilot chemicals have volunteered to sponsor their chemicals in tier 1 in the pilot. A workshop was held in December 2001 to provide sponsors with additional guidance on the scope and content of the exposure assessments they will prepare. A peer consultation process will be used to evaluate the scientific merits of the hazard, exposure, and risk assessments submitted by sponsors. The first assessments developed for VCCEP were received in December of 2002. Although not currently involving a rulemaking, EPA has included this pilot program in the Regulatory Agenda to inform the public about activities like this related to its chemical testing program.

**Timetable:**

Action	Date
Notice-Cancellation of Public Meeting	01/13/00 65 FR 2163
Notice-Stakeholder Involvement Process-Notice of Public Meeting	03/29/00 65 FR 16590
Notice-Voluntary Children's Chemical Evaluation Program-Pilot	12/26/00 65 FR 81700

**Action** Notice-Providing an Update on the Pilot Program

**Date** 01/00/05

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 2865

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

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**RIN:** 2070-AC27

**3293. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2603 TSCA 4; 42 USC 7412 CAA 112; 42 USC 7403 CAA 103; 15 USC 2611 TSCA 12

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

**Legal Deadline:** None

**Abstract:** EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right-to-know program given the large release of these chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112,

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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

**Timetable:**

Action	Date
NPRM	06/26/96 61 FR 33178
Supplemental NPRM	12/24/97 62 FR 67466
Supplemental NPRM	04/21/98 63 FR 19694
Final Action	07/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3487

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

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**RIN:** 2070-AC76

**3294. TEST RULE; CERTAIN METALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603; TSCA 4; 15 USC 2611; TSCA 12; 15 USC 2625; TSCA 26; 42 USC 9604(i); CERCLA 104(i)

**CFR Citation:** 40 CFR 790

**Legal Deadline:** None

**Abstract:** EPA is 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's proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA). A test rule would require manufacturers and processors of certain metals (beryllium, chromium, manganese, mercury, nickel, and selenium) to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP) and EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(I), the clean air act (CAA) section 112 and other statutes requiring risk assessments, health assessments, permits, standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. Under CERCLA the Agency for Toxic Substances and Disease Registry (ATSDR) is to establish a list of priority hazardous substances found at Superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific communities. Data from this action would also be used to implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section (b)(1) list of HAPs (delisting).

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3882

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

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**RIN:** 2070-AD10

**3295. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603; 15 USC 2611; 15 USC 2625

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

**Legal Deadline:** None

**Abstract:** EPA's Office of Air and Radiation (OAR), in the administration of section 211 of the Clean Air Act (CAA), has requested that OPPT use its TSCA section 4 testing authority to obtain health effects data on a number of Oxygenated Fuel Additives (OFAs). These data are needed by EPA and others to increase understanding of the toxicity of these substances individually and in comparison to each other as well as to other OFAs such as methyl t-butyl ether (MTBE). EPA will be soliciting interested parties to work on an Enforceable Consent Agreement (ECA) under TSCA section 4, through which responsible parties can agree to provide data to EPA. Although not currently a rulemaking, EPA is including this in the Regulatory Agenda to inform the public of this activity which will have a regulatory impact once an ECA is finalized.

**Timetable:**

Action	Date
Notice Soliciting Interested Parties	06/00/05
Notice-ECA	12/00/06

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4174

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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

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**RIN:** 2070-AD28

### 3296. SIGNIFICANT NEW USE RULE; REFRACTORY CERAMIC FIBERS (RCFS)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604; TSCA 5; 15 USC 2605; TSCA 6

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 6 to require reporting by the manufacturers, importers and/or processors of these chemicals.

**Timetable:**

Action	Date
NPRM	03/21/94 59 FR 13294
Final Action	09/00/06

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3528

**Sectors Affected:** 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

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**RIN:** 2070-AC37

### 3297. CHEMICAL RIGHT-TO-KNOW INITIATIVE; HIGH PRODUCTION VOLUME (HPV) CHEMICALS

**Priority:** Other Significant

**Legal Authority:** 15 USC 4 TSCA; 15 USC 8 TSCA; 42 USC 313 TRI; 7 USC 136 FIFRA

**CFR Citation:** 40 CFR 700 et seq

**Legal Deadline:** None

**Abstract:** The Chemical RTK Initiative was established in 1998 in response to the finding that most commercial chemicals have very little, if any, publicly available toxicity information on which to make sound judgments about potential risks. There are three key components to this initiative, each of which is being implemented by EPA. These are: collecting and making public screening level toxicity data for 2,800 widely used commercial chemicals; additional health effects assessment for chemicals to which children are substantially exposed; and the listing and lowering of thresholds for persistent, bioaccumulative, toxic chemicals reported to the Toxic Release Inventory (TRI). Although this Initiative is not a rulemaking, EPA has included it in the Regulatory Agenda to inform the public. The Initiative will involve several separate activities, with any regulatory related actions included as separate entries in the Regulatory Agenda.

**Timetable:**

Action	Date
Notice-Data Collection and Development on HPV Chemicals Initiative Completed-	12/26/00 65 FR 81686
HPV Data To Be Received by	06/00/05
	06/2005

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4176

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

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**RIN:** 2070-AD25

### 3298. 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

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

transgenic organisms prior to their commercial use.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4598

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**RIN:** 2070-AD53

## Environmental Protection Agency (EPA)

## Completed Actions

## Toxic Substances Control Act (TSCA)

**3299. NOTICE OF TSCA SECTION 4 REIMBURSEMENT PERIOD AND TSCA SECTION 12(B) EXPORT NOTIFICATION PERIOD SUNSET DATES FOR TSCA SECTION 4 SUBSTANCES**

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

**CFR Citation:** 40 CFR 707; 40 CFR 790; 40 CFR 791; 40 CFR 799

**Completed:**

Reason	Date
Final Action	06/18/01 66 FR 32809

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 2070-AC84

**3300. TSCA INVENTORY UPDATE RULE AMENDMENTS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 710

**Completed:**

Reason	Date
Final Action	01/07/03 68 FR 847

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 2070-AC61

**3301. SIGNIFICANT NEW USE RULE; PERFLUOROALKYL SULFONATES (PFOA)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Completed:**

Reason	Date
Final Rule for Remaining Uses in Proposal	12/09/02 67 FR 72854

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2070-AD43

**3302. SUSTAINABLE FUTURES; VOLUNTARY PILOT PROJECT UNDER THE TSCA NEW CHEMICAL PROGRAM**

**Priority:** Other Significant

**CFR Citation:** None

**Completed:**

Reason	Date
Notice Announcing Voluntary Pilot Project	12/11/02 67 FR 76282

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2070-AD60

**Environmental Protection Agency (EPA)  
Emergency Planning and Community Right-to-Know Act (EPCRA)**

Proposed Rule Stage

**3303. • TRADE SECRECY CLAIMS FOR EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW INFORMATION; AND TRADE SECRET DISCLOSURES TO HEALTH PROFESSIONALS; AMENDMENT**
**Priority:** Info./Admin./Other

**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048

**CFR Citation:** 40 CFR 350.16; 40 CFR 350.17; 40 CFR 350.27

**Legal Deadline:** None

**Abstract:** On July 29, 1988, EPA published the procedures for claims of trade secrecy made by facilities reporting under sections 303(d)(2) and (d)(3), 311, 312, and 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), codified in 40 CFR part 350, including where to mail these claims. EPA also published the trade secrecy substantiation forms in the final rule. This proposed rule amends the regulations published in 1988 to change the location to submit claims and appeals. This proposed rule also amends the regulations to remove the substantiation forms for trade secrecy claims.

The regulations promulgated in July 1988 allows EPA to disclose to authorized representatives including contractors and subcontractors to EPA who perform work for EPA in connection with EPCRA regulations. For handling trade secret claims, EPA has contracted to a private firm, and this contract is recompleted every three years. Section 350.16 lists the address of the contractor location which is now outdated, this action will reflect this change. Another revision will be to change EPA's address in section 350.17 since EPA is at a new location. The last revision is to remove the substantiation form in section 350.27 and make it available on the program office's website. This is needed since the Office of Management and Budget (OMB) approves the form every three years during the renewal of Information Collection Requirement submitted under the Paperwork Reduction Act. The date that appears on the form for OMB approval is also outdated. Since the address to mail the trade secrecy claims and the OMB approval date may change periodically, the Agency has decided to refer to the program offices website for this information.

This action will not raise any regulatory burden on any entities

subject to the requirements under 40 CFR part 350; it is only informing the public of the changes.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4781

**Sectors Affected:** 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing; 32511 Petrochemical Manufacturing; 326 Plastics and Rubber Products Manufacturing

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**RIN:** 2050-AF10

**3304. RESPONSE TO A PETITION REQUESTING DELETION OF PHOSMET FROM THE EXTREMELY HAZARDOUS SUBSTANCES (EHS) LIST**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048

**CFR Citation:** 40 CFR 355

**Legal Deadline:** None

**Abstract:** EPA has received a petition requesting that phosmet be removed from the list of Extremely Hazardous Substances (EHS) list under the Emergency Planning and Community Right-to-Know Act (EPCRA). The petitioner claims that phosmet does not meet the acute toxicity criteria for listing. This action is a proposed rule to delete the chemical from the EHS list and seeks public comment on the acute toxicity data reviewed and EPA's proposal.

EPA considered conducting additional toxicity testing to solve a dispute

involving some questionable toxicity data. However, the petitioner conducted new tests; the results of which EPA considered in its decision to propose a deletion of the chemical.

Since the action involves delisting phosmet (a pesticide) from a regulated list of chemicals, EPA anticipates no additional costs on regulated entities, which include the petitioner, distributors of pesticides and farm uses of the pesticides. This action, if finalized, would reduce the regulatory burden for facilities that handle phosmet on-site, as well as Local Emergency Planning Committees, of complying with the emergency planning and notification requirements for the chemical phosmet under EPCRA sections 302, 303, and 304.

**Timetable:**

Action	Date
NPRM	07/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3994

**Sectors Affected:** 11133 Noncitrus Fruit and Tree Nut Farming; 111421 Nursery and Tree Production; 42291 Farm Supplies Wholesalers

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**RIN:** 2050-AE42

**3305. • 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

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Proposed Rule Stage

**CFR Citation:** 40 CFR 355**Legal Deadline:** None

**Abstract:** EPA is considering an alternative approach for the threshold planning quantity (TPQ) for chemicals on the Extremely Hazardous Substances (EHS) List that are handled as solids in solution. The current TPQ for solids in solution is based on a very conservative assumption that the entire quantity of the solid chemical at a facility could potentially be released to air in event of an accident. EPA will propose a rule to revise the TPQ for solids in solution and seek comment on an alternative approach based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). Use of this experimental data would likely raise the TPQ for solids in solution and result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under section 302 to 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA will evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA would also seek public comment on the appropriateness of considering aerosol size as a factor for potential off-site exposure to communities.

**Timetable:**

Action	Date
NPRM	11/00/03

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4753

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**RIN:** 2050-AF08**3306. TRI; REVISIONS TO THE OTHERWISE USE ACTIVITY EXEMPTIONS AND THE COAL EXTRACTION ACTIVITIES EXEMPTION**

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

**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 11001 et seq**CFR Citation:** 40 CFR 372**Legal Deadline:** None

**Abstract:** The Toxics Release Inventory (TRI) requires reporting from facilities that manufacture or process at least 25,000 pounds of a listed non-PBT chemical, or otherwise use 10,000 pounds of a listed non-PBT chemical. The activity thresholds are lower for listed PBT chemicals. In determining amounts of listed chemicals that are manufactured, processed or otherwise used, facilities may consider specific exemptions from reporting. EPA is presently reviewing a group of these exemptions. The categories of exemptions presently being reconsidered by EPA are the personal use exemption, and the motor vehicle maintenance exemption. Also known as otherwise use exemptions because they are limited to otherwise use activities, these exemptions are expressly provided for at 40 CFR 372.38(c). EPA is also considering changes to the coal mining extraction activities exemption provided for at 40 CFR 372.38(g).

**Timetable:**

Action	Date
NPRM	01/00/04
Final Action	02/00/05

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4265

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**RIN:** 2025-AA06**3307. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR THE METAL MINING ACTIVITIES OF EXTRACTION AND BENEFICIATION**

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

**Legal Authority:** 42 USC 11001 et seq**CFR Citation:** 40 CFR 372**Legal Deadline:** None

**Abstract:** The Toxics Release Inventory (TRI) currently requires reporting from metal mining facilities if they manufacture or process 25,000 pounds or more of a listed chemical or otherwise use 10,000 pounds or more of a listed chemical. These mining facilities engage in the removal of naturally occurring materials from the earth. EPA had considered naturally occurring materials to be manufactured by natural processes. A recent court order set aside EPA's interpretation of manufacture stating that naturally occurring ores can not be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.

**Timetable:**

Action	Date
NPRM	10/00/03
Final Action	10/00/04

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 4616**URL For More Information:**

www.epa.gov

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## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Proposed Rule Stage

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RIN: 2025-AA11

### 3308. ADDITION OF TOXICITY EQUIVALENCY (TEQ) REPORTING AND QUANTITY DATA FOR INDIVIDUAL MEMBERS OF THE DIOXIN AND DIOXIN-LIKE COMPOUNDS CATEGORY UNDER EPCRA, SECTION 313

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 11001 et seq  
**CFR Citation:** 40 CFR 372  
**Legal Deadline:** None

**Abstract:** Under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (i.e., the Toxics Release Inventory (TRI)), dioxin and dioxin-like compounds are

reported in units of grams for the category. This project will add toxic equivalency (TEQ) reporting for the category and quantity data for individual members of the category to the grams only reporting currently required for the category under EPCRA section 313. TEQs are a weighted quantity measure based on the toxicity of each dioxin congener relative to the most toxic dioxin congeners, 2,3,7,8-tetrachlorodibenzo-p-dioxin and 1,2,3,7,8-pentachlorodibenzo-p-dioxin. The addition of TEQ reporting will allow better understanding of the releases and waste management quantities currently reported to the TRI for dioxin and dioxin-like compounds. TEQ reporting will also make it easier to compare TRI data on dioxin and dioxin-like compounds with other EPA activities which present data on dioxin and dioxin-like compounds in terms of TEQs. Several industry groups have written OMB supporting the addition of TEQ reporting to TRI.

#### Timetable:

Action	Date
NPRM	05/00/03
Final Action	01/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4692

**URL For More Information:**  
www.epa.gov

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RIN: 2025-AA12

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Emergency Planning and Community Right-to-Know Act (EPCRA)

### 3309. TRI; RESPONSES TO PETITIONS RECEIVED TO ADD OR DELETE OR MODIFY CHEMICAL LISTINGS ON THE TOXIC RELEASE INVENTORY

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

**Legal Authority:** 42 USC 11013 EPCRA 313

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** This is an ongoing action to cover all chemical petitions received by the TRI Program. These actions grant or deny petitions received to add or delete or modify chemicals on the list of toxic chemicals under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA) that are subject to reporting under the Toxic Chemical Release Reporting Rule. The actions cover individual chemicals or groups of

chemicals for which petitions have been received.

#### Timetable:

Action	Date
Notice DBNPA (Request to Delete)	10/27/95 60 FR 54949
NPRM Diisononyl phthalate (DINP) (Request to Add)	09/05/00 65 FR 53681
Response Acetonitrile (Request to Delete)	06/00/03
Response Nitrogen Tetroxide (Request to Add)	06/00/03
Response Chromium, Antimony, Titanite (Request to Delete)	08/00/03
Final Action DBNPA (Request to Delete)	11/00/03
Final Action Diisononyl phthalate (DINP) (Request to Add)	11/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2425

**URL For More Information:**  
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RIN: 2025-AA00

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

Final Rule Stage

**3310. TOXIC CHEMICAL RELEASE REPORTING USING NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS)****Priority:** Info./Admin./Other**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 372**Legal Deadline:** None

**Abstract:** The Office of Management and Budget (OMB) published a Federal Register Notice of final decision (62 FR 68) to adopt the North American Industry Classification System (NAICS) for the United States. This rulemaking initiates the conversion from TRI Reporting using Standard Industrial Classification (SIC) codes to TRI Reporting using NAICS codes. The TRI Program will convert to NAICS without producing any changes in the facilities

that are now subject to TRI reporting. Therefore, there should be no increased burden resulting from this action.

**Timetable:**

Action	Date
NPRM Comment Period End	03/20/03
NPRM Final Action	03/21/03 68 FR 13872 12/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4595**Sectors Affected:** 212 Mining (except Oil and Gas); 221 Utilities; 562 Waste Management and Remediation Services;

422 Wholesale Trade, Nondurable Goods

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**RIN:** 2025-AA10**Environmental Protection Agency (EPA)****Long-Term Actions****Emergency Planning and Community Right-to-Know Act (EPCRA)****3311. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS AND STREAMLINING RULE****Priority:** Other Significant**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022**CFR Citation:** 40 CFR 355; 40 CFR 370**Legal Deadline:** None

**Abstract:** This rule will address the remaining issues from the proposed rule of June 8, 1998. (Reporting thresholds for gasoline and diesel fuel at retail gas stations were included in a separate final rule; 64 FR 7031, February 11, 1999.) This supplemental proposal will address reporting thresholds for chemicals that pose minimal risk. The final rule to the June 8, 1998 proposal and this supplemental proposal will address: reporting thresholds for rock salt, sand, gravel and other chemicals that pose minimal risk; plain language rewrite; and may consider reporting thresholds for facilities with some similarities to gas stations (motor pools, marinas, etc.) and guidance on approaches to State flexibility.

This supplemental rule, when finalized, will minimize burden for those facilities that are currently reporting chemicals that pose minimal risk under

sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act. This rule, when finalized, may also reduce the number of facilities subject to these reporting requirements. The reporting requirements under sections 311 and 312 are intended to enhance communities' and emergency response officials' awareness of chemical hazards; to facilitate the development of State and local emergency response plans; and to aid communities and emergency response officials in preparing for and responding to emergencies safely and effectively. By proposing to provide relief from routine reporting of substances with minimal hazards and minimal risk, state and local officials can focus on chemicals that may pose more significant hazard or may present greater risks to the community.

**Timetable:**

Action	Date
NPRM Supplemental NPRM	06/08/98 63 FR 31268 To Be Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 3215

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**RIN:** 2050-AE17**3312. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT; EXTREMELY HAZARDOUS SUBSTANCES LIST; MODIFICATION OF THRESHOLD PLANNING QUANTITY FOR ISOPHORONE DIISOCYANATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048**CFR Citation:** 40 CFR 355**Legal Deadline:** None

**Abstract:** On October 12, 1994 (59 FR 51816), EPA proposed to modify the listing of several chemicals on the extremely hazardous substances (EHS) list under the Emergency Planning and

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Long-Term Actions

Community Right-to-Know Act. One petitioner requested the removal of isophorone diisocyanate (IPDI). EPA rejected the petitioner's request. However, in the review of the petition, EPA noticed that there was an error in the setting of the threshold planning quantity (TPQ) for IPDI, and proposed to correct the error in the October 12, 1994, notice of proposed rulemaking. The other modifications to the EHS list were made final on May 7, 1996; however, the TPQ for IPDI was not included in that final rule. The goal is to finalize the TPQ for IPDI.

This action will be setting the correct threshold planning quantity for IPDI, which was set in error in the April 22, 1987, final rule. No new entities are regulated by this action, however since the TPQ will be set higher than it is at present time, fewer facilities will be subject to the requirements under section 302, 311, and 312 of the Emergency Planning and Community Right-to-Know Act.

**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3993

**Sectors Affected:** 325 Chemical Manufacturing

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**RIN:** 2050-AE43

**3313. TRI; CHEMICAL EXPANSION; FINALIZATION OF DEFERRED CHEMICALS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11013 EPCRA 313; 42 USC 11023; 42 USC 11048; 42 USC 11076

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** On November 30, 1994, EPA added 286 chemicals and chemical

categories to the EPCRA section 313 list, including 39 chemicals as part of two delineated categories. Each chemical and chemical category was found to meet the statutory criteria described in EPCRA section 313(d)(2)(A)-(C). At this time, EPA deferred final action on 40 chemicals and one chemical category until a later date. These were deferred because the comments received on them raised difficult technical or policy issues which required additional time to address. EPA chose not to delay final action on the 286 chemicals and chemical categories because of the additional time needed to address the issues surrounding the smaller group of 40 chemicals and one chemical category; rather, EPA believed it to be in the spirit of community right-to-know to proceed with the final rulemaking of the additional chemicals and chemical categories.

**Timetable:**

Action	Date
NPRM Original Proposed rule to add 313 chemicals	01/12/94 59 FR 1788
NPRM 40 chemicals and one chemical category deferred from final rule.	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3007

**Sectors Affected:** 42269 Other Chemical and Allied Products Wholesalers

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**RIN:** 2025-AA01

**3314. TRI; REVIEW OF CHEMICALS ON THE ORIGINAL TRI LIST**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1101 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** When TRI was established by Congress in 1986, the statutory language placed 309 chemicals and 20 categories of chemicals on the TRI list; that is referred to as the original TRI list. The chemicals on the original list were taken from two existing lists of toxic substances: the Maryland Chemical Inventory Report List of Toxic or Hazardous Substances, and the New Jersey Environmental Hazardous Substances list. This action constitutes the first systematic review of toxicology and environmental data for all the chemicals on the original TRI list to determine whether data for those chemicals conform with the statutory criteria for listing of chemicals on TRI. Chemicals for which data do not meet the statutory criteria will be delisted.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4015

**URL For More Information:** www.epa.gov

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**RIN:** 2025-AA03

**EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)**

**Long-Term Actions**

**3315. TRI; POLLUTION PREVENTION ACT INFORMATION REQUIREMENTS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11013  
Pollution Prevention Act

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** Section 6607(b) of the Pollution Prevention Act of 1990 (PPA) (Pub. L. 101-508) requires the addition of several data elements to the Toxic Chemical Release Inventory (TRI) reporting requirements as promulgated under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (Pub. L. 99-499). Section 313 of EPCRA requires owners or operators of certain facilities that manufacture, process, or otherwise use listed toxic chemicals to annually

report their releases of these chemicals to each environmental medium. The PPA mandates that section 313 covered facilities also report on source reduction and recycling activities relating to the toxic chemicals beginning with the 1991 reporting year. Since 1991 covered facilities have been providing this information to EPA in section 8, Source Reduction and Recycling Activities, of EPA Form R. On September 25, 1991 (56 FR 48475), EPA proposed regulations which would provide definitions and instructions for reporting the PPA data elements on the EPA Form R. In this action, EPA will amend certain aspects of the September 25, 1991, proposed rule.

**Timetable:**

Action	Date
NPRM Response	09/25/91 56 FR 48475 To Be Determined

Action	Date
Supplemental NPRM Final Action	To Be Determined To Be Determined

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2847

**URL For More Information:** www.epa.gov

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**RIN:** 2025-AA09

**Environmental Protection Agency (EPA)**

**Completed Actions**

**Emergency Planning and Community Right-to-Know Act (EPCRA)**

**3316. TRI: APA PETITION-EPCRA 313 DEFINITION OF OVERBURDEN AS IT RELATES TO THE MINING INDUSTRY**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 372

**Completed:**

Reason	Date
Notice	10/10/02 67 FR 63060

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 2025-AA08

**Environmental Protection Agency (EPA)**

**Proposed Rule Stage**

**Resource Conservation and Recovery Act (RCRA)**

**3317. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6912(a) RCRA 6002(e)

**CFR Citation:** 40 CFR 247

**Legal Deadline:** None

**Abstract:** RCRA section 6002 and E.O. 13101 require EPA to prepare guidelines in the Federal Register which designate items that are or can be made with recovered materials and to issue recommendations for government procurement of these

items. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. Government procurement of EPA-designated items containing recovered materials fosters markets for recovered materials and, thereby, closes the recycling loop. To date, EPA has designated 54 items under three Comprehensive Procurement Guidelines (CPG1, CPG2 and CPG3). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG which provides recommendations on buying the designated items. The E.O. requires EPA to update the CPG every two years. The newest action issues

proposed item designations in CPG5 in a NPRM. Soon afterwards EPA will issue final item designations in CPG4.

**Timetable:**

Action	Date
Notice-PPRMA -- Paper Products Recovered Materials Advisory Notice	06/08/98 63 FR 31214
Notice-RMAN1 -- Recovered Materials Advisory Notice I Update	06/08/98 63 FR 31217
NPRM (CPG3 and RMAN 3)	08/26/98 63 FR 45558
Final-CPG3-RMAN3 (CPG3 and RMAN 3)	01/19/00 65 FR 3069

## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

Action	Date
Notice-NAFD Notice of Availability of Final Document	01/19/00 65 FR 3082
NPRM-CPG4-RMAN4 (CPG4 and RMAN 4)	08/28/01 66 FR 45256
NPRM-CPG5	05/00/03
Final-CPG4-RMAN4 (CPG4 and RMAN 4)	07/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 3545

Sectors Affected: 92111 Executive Offices; 92119 All Other General Government

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RIN: 2050-AE23

**3318. REVISIONS TO SOLID WASTE LANDFILL CRITERIA; LEACHATE RECIRCULATION ON ALTERNATIVE LINERS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949a

CFR Citation: 40 CFR 258

Legal Deadline: None

**Abstract:** EPA plans to propose a rule to allow leachate recirculation over alternative liner systems which meet the performance standard specified by the municipal solid waste landfill (MSWLF) criteria. The performance determination would be made by the state director of an approved MSWLF program. EPA also plans to propose a new section to the MSWLF criteria which will allow the alternative of clean closure of landfills rather than require the installation of a landfill cap, which would allow the solid waste in the MSWLF to be totally removed from the site and be properly disposed of at another site. Finally, EPA plans to propose an additional factor to 258.54 for determining the frequency of ground water monitoring for the detection monitoring program specified in this subpart. The additional factor

for consideration concerns liner performance where there is some direct system for determining liner performance. However, the minimum monitoring frequency would still be no less than once a year as stated in the existing regulation.

The Federal role is to establish minimum protective criteria (Part 258). This proposal will allow additional flexibility for facility managers of municipal landfills to achieve compliance with the criteria. By providing additional flexibility this proposal will reduce potential costs while providing alternative means of environmental protection.

**Timetable:**

Action	Date
NODA - Request for Information and Data	04/06/00 65 FR 18014
NPRM	08/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal

Additional Information: SAN No. 4230

Sectors Affected: 562 Waste Management and Remediation Services

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RIN: 2050-AE67

**3319. LISTING DETERMINATION AND LDR FOR WASTES GENERATED DURING THE MANUFACTURE OF AZO, ANTHRAQUINONE, AND TRIARYLMETHANE DYES AND PIGMENTS**

Priority: Other Significant

Legal Authority: 42 USC 6921; RCRA 3001; 42 USC 9602; CERCLA 102

CFR Citation: 40 CFR 148; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, November 10, 2003.

Final, Judicial, February 15, 2005.

**Abstract:** This action is mandated by the 1984 Hazardous and Solid Waste Amendments and a consent decree (EDF v. Browner, Civil Action No. 89-0598, D.D.C.). This action addresses the potential human health and environmental risks posed by wastes from the manufacture of dyes and pigments, and determines whether these wastes should be listed as hazardous wastes under the Resource Conservation and Recovery Act (RCRA) to control any potentially unacceptable risks. If listed under RCRA, these wastes would also be added to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Upon evaluation of risk assessment modeling results, we will propose whether or not to list the wastes of concern. If relevant, we may include contingencies to focus the listing on particular waste management practices. If we determine that these wastes warrant listing, we will provide the benefit of protecting human health and the environment. At the same time, we plan to provide specific risk-reduction goals for industry, which, if met, will significantly reduce the regulatory burden associated with the listing determination. As of early 2003, we have not yet quantified potential costs associated with this rule. Depending on how the proposal is structured, there may be some small business impacts.

The current action is a re-proposal of prior actions. We proposed listing decisions for most of the targeted wastes in 1994, and several other wastes in 1999. The 1994 and 1999 proposals were incomplete because they did not contain information claimed to be confidential by industry (the data are subject to an injunction prohibiting their release). The current action does not rely on the contested data and will replace the 1994 and 1999 proposals. The re-proposal will also identify land disposal restrictions for the wastes of concern.

The current action is targeted on wastes from the manufacture of dyes and pigments, with specific emphasis on certain product classes (azos, anthraquinones, triarylmethanes).

## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

Manufacturers of these products will need to assess their wastes to determine whether they meet the final listing definitions.

**Timetable:**

Action	Date
NPRM-Dyes I	12/22/94 59 FR 66072
NPRM-Dyes II (Deferred Wastes)	07/23/99 64 FR 40192
NPRM-Dyes and Pigments III	11/00/03
Final Action-Dyes and Pigments III	02/00/05

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Additional Information:** SAN No. 3066

**Sectors Affected:** 325132 Organic Dye and Pigment Manufacturing

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**RIN:** 2050-AD80

**3320. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT-CONTAMINATED INDUSTRIAL WIPES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6921

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** EPA is proposing to modify the RCRA regulations for management of solvent-contaminated industrial wipes in response to stakeholder concerns that industrial wipes are over-regulated because they pose little threat to human health and the environment. Industrial wipes are used with solvents across industry in various ways; EPA estimates that there are approximately 471,000 users of industrial wipes in 13 economic sub-sectors, but many users use small numbers of wipes with small amounts of solvents on them.

This proposed regulation would provide regulatory relief for two types of solvent-contaminated industrial wipes: (1) disposable wipes, which are disposed of in a landfill or by combustion after use, and (2) reusable wipes, which are laundered after use to remove the solvent and then are used again. The proposal is to conditionally exclude disposable industrial wipes from the definition of hazardous waste and to conditionally exclude reusable industrial wipes from the definition of solid waste.

The regulation is estimated to result in \$34 million of savings throughout the economy and has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

**Timetable:**

Action	Date
NPRM	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4091

**Sectors Affected:** 812 Personal and Laundry Services; 323 Printing and Related Support Activities; 325 Chemical Manufacturing; 332 Fabricated Metal Product Manufacturing; 333 Machinery Manufacturing; 334 Computer and Electronic Product Manufacturing; 336 Transportation Equipment Manufacturing; 337 Furniture and Related Product Manufacturing; 441 Motor Vehicle and Parts Dealers; 811 Repair and Maintenance

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**RIN:** 2050-AE51

**3321. REVISION OF WASTEWATER TREATMENT EXEMPTIONS FOR HAZARDOUS WASTE MIXTURES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924; 42 USC 6926

**CFR Citation:** 40 CFR 261.3(a)(2)(iv)(A)-(G)(Revision)

**Legal Deadline:** None

**Abstract:** This proposed revision to the wastewater treatment exemptions for hazardous waste mixtures would address inconsistencies in the regulations, as well as provide regulatory relief. Current EPA mixture rule exemptions have not kept up with more recent additions to solvent listings, Clean Air Act regulations, wastewater treatment technology, and policies affecting other hazardous wastes. Therefore, the need exists for a Federal deregulatory solution to resolve these inconsistencies. It is estimated that this proposal, if finalized, will save \$11 to \$49 million in compliance costs. EPA is proposing to add two solvents (benzene and 2-ethoxyethanol) to the hazardous waste exemptions for mixtures of spent solvents in wastewater treatment plants (headworks rule) at 40 CFR 261.3(a)(2)(iv)(A) and (B). EPA is proposing not to take action on two other solvents, 2-nitropropane and 1,1,2-trichloroethane. In addition, EPA is proposing (1) changes in the implementation of the rule from using mass balance only, to choice of using direct monitoring; (2) revising the types of facilities and the types of wastes eligible for the de minimis exemption under section 261.3(a)(2)(iv)(D); and clarifying the applicability of the exemption to scrubber waters from the incineration of spent solvents. The Agency will review comments from the public and formulate a final revision taking public comment into consideration. Facilities affected by this action include industrial facilities with on-site wastewater treatment plants, commercial wastewater treatment facilities, and certain Federal facilities.

**Timetable:**

Action	Date
NPRM-Revisions for Wastewater Treatment Exemptions	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4501

## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

**Sectors Affected:** 31-33 Manufacturing; 562 Waste Management and Remediation Services

**URL For Public Comments:**  
NPRM-www.epa.gov

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**RIN:** 2050-AE84

### 3322. INCREASE METALS RECLAMATION FROM F006 WASTE STREAMS

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** Many metal finishers and other industrial sectors generate an electroplating sludge as part of their production process that is amenable to recycling; i.e., the sludge contains economically recoverable amounts of metals such as copper, nickel, zinc, etc. Currently, these sludges (F006) are listed hazardous wastes subject to RCRA regulations. Many generators continue to send these sludges for treatment and disposal when they could be recycled. Similarly, generators currently sending their sludges for recycling receive no economic benefit for this practice. Since the mid-1990's, EPA has been working with industry and the States to create incentives for safe recycling and has promulgated rules to foster this practice. However, EPA is interested in exploring whether further regulatory changes are warranted.

EPA is currently evaluating several options that would provide regulatory relief to generators and handlers of F006. All options would reduce regulatory costs to generators and handlers relative to the current RCRA subtitle C regulatory program.

#### Timetable:

Action	Date
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4651

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**RIN:** 2050-AE97

### 3323. REVISIONS TO THE DEFINITION OF SOLID WASTE

**Priority:** Other Significant

**Legal Authority:** RCRA sec 1004; 42 USC 6903

**CFR Citation:** 40 CFR 261.2

**Legal Deadline:** None

**Abstract:** Under RCRA, to be a hazardous waste, a material must also be a solid waste. EPA's framework for determining whether a material is a solid waste is based on what the material is, and how it's managed (e.g., how it is used, reused, etc.). For materials being recycled, RCRA jurisdiction is complex and the history of legal decisions related to the definition of solid waste is extensive (AMC I, API I, AMC II, ABR, API II, etc.). In response to American Mining Congress v. EPA, 824 F. 2d 1177(D.C. Cir. 1987) (AMC I) and one of the most recent decisions, the Association of Battery Recyclers, v. EPA 208 F.3d 1047 (2000) (ABR), EPA has decided to initiate development of a proposed rule to revise the definition of solid waste. We expect that the proposed rule will specifically address materials undergoing reclamation. In the context of reclamation, we plan to discuss options for how to distinguish materials

that are discarded from materials that remain in use in a continuous industrial process and we anticipate proposing a definition of "continuous industrial process." Generally, we believe that removing the specter of RCRA control where it is not necessary can spur increased reuse and recycling of hazardous waste, and will lead to better resource conservation and improved materials management overall.

#### Timetable:

Action	Date
NPRM	07/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4670

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**RIN:** 2050-AE98

### 3324. ● RECYCLED USED OIL CONTAINING PCBS: AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6974; 42 USC 9601; 42 USC 9614(c)

**CFR Citation:** 40 CFR 261; 40 CFR 279

**Legal Deadline:** None

**Abstract:** The direct final rule, published May 6, 1998, eliminates errors and clarifies ambiguities in the used oil management standards. Specifically, the rule clarifies (1) when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the used oil management standards and when it is

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not, (2) that the requirements applicable to releases of used oil apply in States that are not authorized for the RCRA base program, (3) that mixtures of conditionally exempt small quantity generator (CESQG) wastes and used oil are subject to the used oil management standards irrespective of how that mixture is to be recycled, and (4) that the initial marketer of used oil that meets the used oil fuel specification need only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil. This rule also amends three incorrect references to the pre-1992 used oil specifications in the provisions which address hazardous waste fuel produced from, or oil reclaimed from, oil bearing hazardous wastes from petroleum refining operations. EPA received relevant adverse comments on three of the amendments included in the May 6, 1998, direct final rule: the amendments to 40 CFR 261.5(j) (mixtures of conditionally exempt small quantity generator waste and used oil), 40 CFR 279.10(i) (applicability of the used oil management standards to used oil contaminated with polychlorinated biphenyls (PCBs)), and 40 CFR 279.74(b) (recordkeeping requirements for marketers of used oil that meets the used oil fuel specification). On July 14, 1998, the Agency withdrew these three amendments and reinstated the regulatory text that existed prior to the May 6, 1998, direct final rule. The remaining amendments that did not receive any relevant adverse comments became effective on July 6, 1998 as provided in the May 6, 1998 direct final rule. EPA will promulgate a final rule addressing the comments received and finalizing the three amendments that were withdrawn, as appropriate.

**Timetable:**

Action	Date	
NPRM	05/06/98	63 FR 25006
Direct Final Rule	05/06/98	63 FR 24963
Partial Removal (of 3 Amendments)	07/14/98	63 FR 37780
NPRM	07/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 4088

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**RIN:** 2050-AF07

**3325. • REVISIONS OF THE LEAD-ACID BATTERY EXPORT NOTIFICATION AND CONSENT REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 42 USC 6901 et seq**CFR Citation:** 40 CFR subpart G 266.80(a)**Legal Deadline:** None

**Abstract:** Currently, generators, transporters and facilities that reclaim but do not store spent lead-acid batteries are exempt from hazardous waste management requirements, as specified in 40 CFR part 266 subpart G. Spent lead-acid batteries destined for export/reclamation are not, therefore, subject to RCRA manifesting or export notification and consent requirements specified in 40 CFR part 262. Allowing the export of spent lead-acid batteries without prior notice and consent of the receiving country is not consistent with widely accepted international practices. Similarly, the exemption contrasts with more recent Universal Waste requirements in 40 CFR part 262, which require export notice and consent for comparable exempt waste streams. The purpose of this regulation is to modify the spent lead-acid battery exemption to require appropriate notice and consent for those batteries intended for export.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4778

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**RIN:** 2050-AF06

**3326. • LAND DISPOSAL RESTRICTIONS: DETERMINATION OF EQUIVALENT TREATMENT FOR MACROENCAPSULATION OF RADIOACTIVE LEAD SOLIDS; DEFINITION OF MACROENCAPSULATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924**CFR Citation:** 40 CFR 268.42**Legal Deadline:** None

**Abstract:** EPA anticipates taking action to grant a national determination of equivalent treatment petition at the request of the Department of Energy. Currently the use of containers is prohibited for the disposal of radioactive lead solids by regulations at 40 CFR 268.42. This necessitates the segregation and separation of radioactive lead solids from other debris. Containers of high density polyethylene (HDPE) can be constructed that provide a resistant barrier to degradation by the wastes and materials into which it may come into contact after disposal. Revision of current regulation will be required to allow the use of such HDPE containers. We believe these changes in disposal practices will promote faster cleanup of contaminated sites by removing a regulatory distinction between radioactive lead solids and other forms of hazardous debris, reduce worker exposures, and promote further advancement in new technologies for disposal. The use of containers are expected to be less costly than extrusion coatings and, therefore, this action would be cost neutral to cost beneficial to the Department of Energy and other generators of radioactive lead solids.

**Timetable:**

Action	Date
NPRM	10/00/03
Direct Final Rule	10/00/03

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

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**Additional Information:** SAN No. 4743

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**RIN:** 2050–AF12

### 3327. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6924 RCRA 3004; 42 USC 6925 RCRA 3005; 42 USC 7412 CAA 112; 42 USC 7414 CAA 114

**CFR Citation:** 40 CFR 60; 40 CFR 63; 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270

**Legal Deadline:** Final, Judicial, June 15, 2005, Consent decree.

**Abstract:** On September 30, 1999, EPA promulgated standards to control emissions of hazardous air pollutants from incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste (referred to as the Phase I Rule). A number of parties, representing interests of both industry and the environmental community, sought judicial review of the rule. The Court ruled against EPA and vacated the Phase I rule. On October 19, 2001, EPA, together with all petitioners, filed a joint motion asking the Court to stay the issuance of its mandate to allow them time to develop interim standards. These stop-gap interim standards were promulgated on February 13 and 14, 2002. They replace the vacated standards temporarily, until revised replacement standards are promulgated by June 15, 2005. This rulemaking will propose and finalize the Phase I replacement standards. Also, in this rulemaking effort, we are developing emission standards for hazardous waste burning industrial, institutional, commercial boilers, process heaters, and hydrochloric acid production furnaces. These sources are referred to as Phase II Sources because the standards were originally scheduled

to be promulgated after Phase I source standards were finalized; however, a separate consent decree now requires us to finish developing emission standards for the Phase II sources by the same date as those for Phase I (June 15, 2005). EPA is developing options for calculating the emission standards that are considered to be consistent with both the statutory requirements and the opinion of the Court. Potential costs and benefits are not yet available, because emission standards must be selected before the cost/benefit analyses begin. EPA plans to propose emission standards and compliance provisions for both the Phase I and Phase II sources in December of 2003.

#### Timetable:

Action	Date	
NPRM-Cement Kilns & Lightweight Aggregate Kilns & Incinerators	04/19/96	61 FR 17358
Final-MACT Fasttrack	06/19/98	63 FR 33782
Final-Cement Kilns & LWAKs & Incinerators (Final-Phase I)	09/30/99	64 FR 52828
NODA	07/27/00	65 FR 39581
Direct Final Action	07/03/01	66 FR 35087
Parallel Proposal	07/03/01	66 FR 35124
NPRM-Phase I	07/03/01	66 FR 35126
Direct Final Action	10/15/01	66 FR 52361
Final Compliance Extension	12/06/01	66 FR 63313
Interim Final Action	02/13/02	67 FR 6792
Final HAP	02/14/02	67 FR 6968
NPRM Boilers & Other Industrial Furnaces (Phase II)	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3333

**Sectors Affected:** 2123 Non-Metallic Mineral Mining and Quarrying; 2211 Electric Power Generation, Transmission and Distribution; 22132 Sewage Treatment Facilities; 3241 Petroleum and Coal Products Manufacturing; 3271 Clay Product and Refractory Manufacturing; 3231 Printing and Related Support Activities; 3251 Basic Chemical Manufacturing; 3252 Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing; 3253 Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing;

3254 Pharmaceutical and Medicine Manufacturing; 3255 Paint, Coating, Adhesive, and Sealant Manufacturing; 3259 Other Chemical Product Manufacturing; 3271 Clay Product and Refractory Manufacturing; 3273 Cement and Concrete Product Manufacturing; 3274 Lime, Gypsum and Gypsum Product Manufacturing; 3279 Other Nonmetallic Mineral Product Manufacturing; 3327 Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing; 3328 Coating, Engraving, Heat Treating and Allied Activities; 3329 Other Fabricated Metal Product Manufacturing; 3332 Industrial Machinery Manufacturing; 3335 -; 3339 Other General Purpose Machinery Manufacturing; 3341 Computer and Peripheral Equipment Manufacturing; 3342 Communications Equipment Manufacturing; 3343 Audio and Video Equipment Manufacturing; 3344 Semiconductor and Other Electronic Component Manufacturing; 3361 Motor Vehicle Manufacturing; 3362 Motor Vehicle Body and Trailer Manufacturing; 3363 Motor Vehicle Parts Manufacturing; 4227 Petroleum and Petroleum Products Wholesalers; 45431 Fuel Dealers; 5622 Waste Treatment and Disposal; 5629 Remediation and Other Waste Management Services

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**RIN:** 2050–AE01

### 3328. PROJECT XL SITE-SPECIFIC RULEMAKING FOR ANNE ARUNDEL COUNTY MILLERSVILLE LANDFILL, SEVERN, MARYLAND

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6945; 42 USC 6949

**CFR Citation:** 40 CFR 258

**Legal Deadline:** None

**Abstract:** Anne Arundel County proposes to demonstrate that a bioreactor with an alternative liner system is as effective, or superior to a bioreactor with the standard composite liner currently allowed by regulations. The main goal of this project is to deliver superior environmental performance by

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capturing the additional airspace gained by accelerated decomposition of the waste. This benefits the County and its citizens by prolonging the life of the landfill and thereby postponing the siting of new solid waste management facilities, with their attendant social impacts, environmental impacts, and economic costs.

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4534

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**RIN:** 2090-AA25**3329. PROJECT XL SITE-SPECIFIC RULEMAKING FOR IBM SEMICONDUCTOR MANUFACTURING FACILITY IN HOPEWELL JUNCTION, NEW YORK****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938**CFR Citation:** 40 CFR 261.4(a)**Legal Deadline:** None

**Abstract:** This rulemaking provides a site-specific exclusion from the regulatory definition of solid waste for certain wastewater treatment sludges (otherwise designated as Hazardous Waste No. F006) when they are used as ingredients in the production of cement. Without this exclusion, the sludges being legitimately recycled as substitutes for raw materials would remain subject to hazardous waste regulatory requirements, including the need for a storage permit by the cement manufacturer, which is a major disincentive to recycling the sludges in this manner. This XL project tests the

presumption that these sludges can be safely recycled without regulatory oversight.

**Timetable:**

Action	Date
NPRM	06/06/01 66 FR 30349
Supplemental NPRM	05/00/03
Final Action	05/00/04

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4565

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**RIN:** 2090-AA29

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**3330. STANDARDIZED PERMIT FOR RCRA HAZARDOUS WASTE MANAGEMENT FACILITIES****Priority:** Other Significant**Legal Authority:** 42 USC 6905; 42 USC 6912; 42 USC 6924; 42 USC 6925; 42 USC 6927; 42 USC 6974**CFR Citation:** 40 CFR 124; 40 CFR 267; 40 CFR 270**Legal Deadline:** None

**Abstract:** EPA has proposed creating a new type of general permit, called a standardized permit, for facilities that generate waste and routinely manage the waste on-site in tanks, containers, and containment buildings. Under the standardized permit, facility owners and operators would certify compliance with generic design and operating conditions set on a national basis. The permitting agency would review the certifications submitted by the facility owners and operators. The permitting

agency would also be able to impose additional site-specific terms and conditions for corrective action or other purposes, as called for by RCRA. Ensuring compliance with the standardized permit's terms and conditions would occur during inspection of the facility after the permit has been issued. The standardized permit should streamline the permit process by allowing facilities to obtain and modify permits more easily while maintaining the protectiveness currently existing in the individual RCRA permit process. EPA estimates that the potential average annual cost savings to eligible facilities from implementation of this rule will range from approximately \$100 to \$5,800 (i.e., 2 to 140 burden hours) per permit action, depending on such things as the type of permit and the type of storage equipment. The proposal raised issues for public

comment on how all facilities receiving RCRA permits can satisfy RCRA corrective action requirements under appropriate alternative state cleanup programs and on financial assurance issues. The Agency is developing a final rule addressing this topic.

**Timetable:**

Action	Date
NPRM	10/12/01 66 FR 52191
Final Action	09/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4028

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 332813 Electroplating, Plating, Polishing,

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Anodizing and Coloring; 325211 Plastics Material and Resin Manufacturing; 3252 Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing; 32411 Petroleum Refineries; 3251 Basic Chemical Manufacturing

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**RIN:** 2050-AE44

### 3331. MANAGEMENT OF CEMENT KILN DUST (CKD)

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a); RCRA 2002(a); 42 USC 6921(a); RCRA 3001(a)

**CFR Citation:** 40 CFR 256; 40 CFR 259; 40 CFR 261; 40 CFR 264

**Legal Deadline:** None

**Abstract:** In December 1993, EPA submitted a Report to Congress with its findings on the nature and management practices associated with cement kiln dust (CKD). In 1995, EPA determined that some additional control of CKD was needed and published a regulatory determination (60 FR 7366, 2/7/95). On August 20, 1999, EPA issued a proposed rule (64 FR 45632) outlining the Agency's preferred regulatory approach (i.e., an exemption from hazardous waste listing for properly managed CKD) and several optional approaches including requirements solely under RCRA subtitle D. On July 25, 2002, the Agency published a notice (67 FR 48648) to announce the availability for public inspection and comment of recently acquired data on CKD.

The Agency is now considering an approach whereby it would finalize the proposed option of issuing the protective CKD management standards as described in the August 20, 1999, proposal as a RCRA subtitle D rule. The Agency would temporarily suspend its active consideration of the proposed listing of mismanaged CKD as a hazardous waste, and assess how CKD management practices and State regulatory programs evolve over the next three to five years. Based on this assessment, EPA will then proceed to either formally withdraw or promulgate the portion of the 1999 proposal that

classifies as a RCRA hazardous waste CKD that has been egregiously mismanaged.

EPA will be promoting pollution prevention, recycling, and safer disposal of CKD by considering finalization of protective management standards for this waste. The Agency believes that these management standards are a creative, affordable, and common sense approach that can protect human health and the environment without imposing unnecessary regulatory burdens on the cement kiln industry. These standards provide a new, tailored framework that safeguards groundwater and limits risk from releases of dust to air.

#### Timetable:

Action	Date	
Notice Regulatory Determination	02/07/95	60 FR 7366
NPRM	08/20/99	64 FR 45632
Notice of Data Availability	07/25/02	67 FR 48648
Notice	11/08/02	67 FR 68130
Final Action	09/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3856

**Sectors Affected:** 32731 Cement Manufacturing

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**RIN:** 2050-AE34

### 3332. CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES AND CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS: DISPOSAL OF RESIDENTIAL LEAD-BASED PAINT WASTE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6912(a); 42 USC 6944; 42 USC 6949a

**CFR Citation:** 40 CFR 257; 40 CFR 258

**Legal Deadline:** None

**Abstract:** To help accelerate the pace of lead-based paint removal from residences, and thereby reduce exposure of children and adults to health risks associated with lead, the Agency plans to expand disposal options for residential lead-based paint waste. The rule would revise the definition of "municipal solid waste landfill (MSWLF) unit," and add definitions of "construction and demolition (C&D) landfill" and "residential lead-based paint waste" in the Criteria for Classification of Solid Waste Disposal Facilities and Practices (part 257) and Criteria for Municipal Solid Waste Landfills (part 258). This amendment will provide additional flexibility to disposers of residential lead-based paint waste by allowing such waste to be disposed of in C&D landfills as well as in MSWLF units. The final rule will impose no additional costs and will result in cost savings.

#### Timetable:

Action	Date	
NPRM	10/23/01	66 FR 53566
Direct Final Rule	10/23/01	66 FR 53535
Direct Final Withdrawn	12/28/01	66 FR 67108
Final Action	05/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4525

**Sectors Affected:** 235 Special Trade Contractors; 23599 All Other Special Trade Contractors; 562212 Solid Waste Landfill

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**3333. METHODS INNOVATION RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6936; 42 USC 6937; 42 USC 6938; ...**CFR Citation:** 40 CFR 258; 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270; 40 CFR 279**Legal Deadline:** None

**Abstract:** EPA's process for releasing analytical methods through the SW-846 methods compendium which support the RCRA program, has been through publishing FR notices and taking public comment. SW-846 methods are widely used, but the majority of the methods are not required by any particular regulation. Therefore, EPA has proposed a streamlined process for releasing analytical methodologies to the public, while also promoting the Performance Base Measurement Approach in the Methods Innovation Proposed Rule (MIR) (FAR: 67FR 66252 (October 30, 2002)). The comment period was extended until February 28, 2003. In addition EPA has been working to break down the barriers that the environmental monitoring community faces when trying to use new monitoring techniques. As a first step, EPA has accelerated its review process for new methods by eliminating several unnecessary internal review steps. However, there are currently 32 citations in title 40 of the Code of Federal Regulations (CFR) where the use of SW-846 methods is required. As a second step for speeding up the approval process, EPA proposed to remove the requirements to use SW-846 methods for other than method defined parameters (i.e., where the method defines the regulations, such as the Toxicity Characteristic Leaching Procedure) from 40 CFR. This action will likely lead to an even more streamlined approval process since SW-846 will then be able to be handled strictly as guidance and not need the regulatory process for approval. This additional streamlining will permit new, more cost-effective methods to

attain public and regulatory authority acceptance in much less time, allowing required monitoring to be done more cheaply, faster and, in some cases, more accurately. The MIR and previous method packages have been exempt from OMB review and SBREFA analysis due the nature of the guidance and it's voluntary use.

Since many advances have occurred in waste sampling strategies since initial guidance was published in 1984, along with the proposal EPA has announced the availability of a new guidance document for public comment entitled, "RCRA Waste Sampling Draft Technical Guidance." One main advantage to releasing the guidance is that the document provides new approaches to waste sampling, with real life examples which we expect will lead to improved ability to characterize waste streams. We believe that the release of this MIR and Waste Sampling Guidance will be widely accepted by the regulated, scientific, and academic community because they provide state of the art approaches for determining hazardous waste and sampling characteristic techniques.

**Timetable:**

Action	Date
NPRM	10/30/02 67 FR 66252
Final Action	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3989

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**RIN:** 2050-AE41**3334. MUNICIPAL SOLID WASTE LANDFILL LOCATION RESTRICTIONS FOR AIRPORT SAFETY****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 6902(a); 42 USC 6907; 42 USC 6912(a); 42 USC 6944; 42 USC 6945(c); 42 USC 6949(c)**CFR Citation:** 40 CFR 258.10**Legal Deadline:** None

**Abstract:** This action would inform owners/operators of municipal solid waste landfills (MSWLF) of location restrictions for airport safety contained in the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Ford Act). The Ford Act prohibits the construction or establishment of a new MSWLF within six miles of a public airport (1) that has received grants under the Airport and Airway Improvement Act of 1982, as amended, and (2) that is primarily designed for 60 passengers or less. MSWLFs in the State of Alaska are exempt. Because new MSWLFs are subject to the statutory location restrictions in addition to regulatory location restrictions currently in effect under 40 CFR 258.10, EPA plans to include this information to prevent confusion regarding applicable location restrictions for MSWLFs for airport safety purposes, as well as to notify affected entities of these statutory restrictions.

**Timetable:**

Action	Date
NPRM	07/11/02 67 FR 45948
Direct Final Rule	07/11/02 67 FR 45915
Direct Final Withdrawn	10/08/02 67 FR 62647
Final Action	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4575

**Sectors Affected:** 23 Construction; 5622 Waste Treatment and Disposal; 56221 Waste Treatment and Disposal; 562212 Solid Waste Landfill

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**RIN:** 2050-AE91**3335. RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS FOR MUNICIPAL SOLID WASTE LANDFILL****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949a**CFR Citation:** 40 CFR 258.4**Legal Deadline:** None

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**Abstract:** EPA is considering adding a new section to the Criteria for Municipal Solid Waste Landfills (MSWLF) to allow directors of approved states to issue research, development, and demonstration (RD&D) permits for landfill operations at variance with some parts of the criteria, as long as it is demonstrated that these operations will not result in an increased risk to human health and the environment. Variances for location restrictions, groundwater monitoring, corrective action requirements, the financial assurance criteria, and most operational controls would not be allowed by this action. EPA is considering this alternative to stimulate new technologies and alternatives in the landfilling of municipal solid waste. This additional flexibility will reduce potential costs while providing opportunities for innovative technologies that protect human health and the environment.

**Timetable:**

Action	Date
NODA-Request for Information and Data	04/06/00 65 FR 18014
NPRM	06/10/02 67 FR 39662
Final Action	07/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4588**Sectors Affected:** 562 Waste Management and Remediation Services

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**RIN:** 2050-AE92**3336. HAZARDOUS WASTE MANIFEST REGULATION****Priority:** Other Significant

**Legal Authority:** 42 USC 6922 RCRA 3002; 42 USC 6923 RCRA 3003; 42 USC 6924 RCRA 3004; 42 USC 6926 RCRA 3006; PL 105-277; Government Paperwork Elimination Act 17

**CFR Citation:** 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271

**Legal Deadline:** None

**Abstract:** The Uniform Hazardous Waste Manifest (Form 8700-22) is a multi-copy form used to identify the quantity, composition, origin, routing, and destination of hazardous waste during its transportation. Waste handlers (e.g., generators and transporters) are required to use the manifest, and States may not require a different manifest in its place. However, the manifest has State blocks which allow States, at their option, to require the entry of additional specific information to serve their State's regulatory needs. Under the current regulations more than 20 states print the manifest form in accordance with the format specified in federal regulations. However, the variability among State manifest programs associated with state optional blocks, different copy distribution schemes, and the manifest hierarchical acquisition scheme has drawn complaints from the regulated community. Variability among States' Manifest programs and the manifest system's current reliance on paper result in significant paperwork and cost burden to waste handlers and States who choose to collect manifest information. The Agency intends to standardize further the manifest form elements, and to specify one format for the manifests that may be used in all states. In addition, the Agency intends to announce standard requirements for tracking rejected wastes, container residues, and international shipments of hazardous wastes. Finally, the Agency intends to pursue an optional approach that would use information technologies to conduct the manifest process electronically, thereby reducing paperwork burden, and improving the speed and accuracy of preparing, transmitting, and recordkeeping the manifest form. However, the Agency will bifurcate the manifest rule so that the form revisions may be expedited,

while additional analysis on the e-manifest continues.

**Timetable:**

Action	Date
NPRM	05/22/01 66 FR 28240
Final Action	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 3147

**Sectors Affected:** 2111 Oil and Gas Extraction; 2122 Metal Ore Mining; 2211 Electric Power Generation, Transmission and Distribution; 3221 Pulp, Paper, and Paperboard Mills; 323 Printing and Related Support Activities; 325 Chemical Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 332 Fabricated Metal Product Manufacturing; 482 Rail Transportation; 483 Water Transportation; 484 Truck Transportation; 5621 Waste Collection; 5622 Waste Treatment and Disposal

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**RIN:** 2050-AE21**3337. OFFICE OF SOLID WASTE BURDEN REDUCTION PROJECT****Priority:** Other Significant

**Legal Authority:** 42 USC 6907; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937; 42 USC 6938; 42 USC 6939; ...

**CFR Citation:** 40 CFR 260.31; 40 CFR 261.4; 40 CFR 261.38; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56;

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40 CFR 265.73; 40 CFR 265.98 et seq;  
40 CFR 266.103; 40 CFR 268.7, 268.9;  
...

**Legal Deadline:** None

**Abstract:** EPA plans to reduce the burden imposed by the RCRA reporting and recordkeeping requirements to help meet the Federal Governmentwide goal established by the Paperwork Reduction Act (PRA).

In June 1999, EPA published a Notice of Data Availability (NODA) in the Federal Register (64 FR 32859) to seek comment on a number of burden reduction ideas. After reviewing the comments received on the NODA, EPA proposed (67 FR 2518, 1/17/02) to implement many of these ideas. The proposal was designed to eliminate duplicative and nonessential paperwork.

The main ideas for the final rulemaking are: (1) eliminating or modifying one-third of the 334 RCRA-required notices and reports that are sent by the regulated community to states and EPA; (2) eliminating the RCRA emergency response training requirements that overlap with the Occupational Safety and Health Administration requirements; (3) eliminating the need for facilities to record personnel descriptions; (4) decreasing the owner/operator self-inspection frequency of hazardous waste tanks to weekly; (5) providing states and EPA with the opportunity to lengthen owner/operator self-inspection frequencies on a case-by-case basis for containers, containment buildings, and tanks; (6) eliminating the Land Disposal Restrictions generator waste determinations, recycler notifications and certifications, hazardous debris notifications and characteristic waste determinations, and streamlining the characteristic waste notification procedures; and (7) modifying the groundwater monitoring requirements for hazardous waste facilities.

Burden is the time that a state employee, member of the regulated community, or private citizen spends generating and reporting information to us and keeping records. EPA is responding to the Paperwork Reduction Act by reducing paperwork burden. This rule does not have federalism implications. Because the changes are equivalent to or less stringent than the existing Federal program, States would not be required to adopt and seek authorization for them, which means

that the Executive Order 13132 does not apply. Under section 3006 of the Resource Conservation and Recovery Act, federal regulatory requirements may authorize states to administer the RCRA hazardous waste program within the state. This rule may have an annual effect on the economy of \$100 million or more or adversely affect in the material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. We calculate the reporting and recordkeeping burden reduction savings for this as 929,000 hours and \$120 million. We established a workgroup which receives input/comments on burden from program offices at EPA (both headquarters and regional), States, the regulated community, and the public on their RCRA reporting and recordkeeping requirements versus the burden they impose. We are considering the following: Reducing the reporting requirements for generators and treatment, storage and disposal facilities (TSDFs); allowing weekly hazardous waste tank inspections; reducing the burden of RCRA personnel training requirements and eliminating overlaps with Occupational Safety and Health Administration training requirements. We also plan to eliminate and streamline the land disposal restrictions paperwork requirements. States, more specifically facilities and businesses within the States, that regulate and maintain records of their hazardous wastes will be regulated under this rule.

**Timetable:**

Action	Date
Notice of Data Availability	06/18/99 64 FR 32859
NPRM	01/17/02 67 FR 2518
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4084

**Sectors Affected:** 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 332 Fabricated Metal Product Manufacturing; 334 Computer and

Electronic Product Manufacturing; 562 Waste Management and Remediation Services; 323 Printing and Related Support Activities

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**RIN:** 2050-AE50

### 3338. REGULATION OF HAZARDOUS OIL-BEARING SECONDARY MATERIALS FROM PETROLEUM REFINING INDUSTRY AND OTHER HAZARDOUS SECONDARY MATERIALS PROCESSED IN A GASIFICATION SYSTEM TO PRODUCE SYNTHESIS GAS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937; 42 USC 6938; 42 USC 6939; ...

**CFR Citation:** 40 CFR 260; 40 CFR 261

**Legal Deadline:** None

**Abstract:** The U.S. Environmental Protection Agency (EPA) is considering finalizing revisions to the RCRA hazardous regulations to exclude oil-bearing secondary materials, generated by the petroleum refining industry and others, from the definition of solid waste if the materials are destined to be processed in a gasification device manufacturing synthesis gas fuel. We are considering this exclusion in order to clarify and simplify RCRA jurisdiction, and to be consistent with other comparable existing exclusions.

**Timetable:**

Action	Date
NPRM	03/25/02 67 FR 13684
Final Action	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4411

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RIN: 2050-AE78

### 3339. E-CYCLING PILOT PROJECT FOR REGION 3 STATES (ECOS); STREAMLINING RCRA REGULATIONS TO ENCOURAGE REUSE, RECYCLING, AND RECOVERY OF ELECTRONIC EQUIPMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

**CFR Citation:** 40 CFR 261.4(a)(24); 40 CFR 261.40

**Legal Deadline:** None

**Abstract:** This project is the result of an Environmental Council of States (ECOS) partnership agreement that EPA Region 3 entered into with the six state environmental agencies. As part of the partnership agreement, the Region agreed to prepare a regional rule and to expedite its promulgation by using the direct final rulemaking process. By using this innovative approach to have a regional e-Cycling Pilot Project, EPA Region 3 and the Mid-Atlantic States (DE, DC, MD, PA, VA, WV) will be able to provide additional information about EPA's national proposed cathode ray tube (CRTs) exclusion from the definition of solid waste (e.g., CRTs are the video display components of televisions and computer monitors). The Regional e-Cycling Pilot Project could serve as a model for electronic recycling nationwide and the states believe that the recycling program will function effectively as a result of this regulatory flexibility.

#### Timetable:

Action	Date
Direct Final Rule	12/26/02 67 FR 78718
Withdrawal of Direct Final Rule	02/24/03 68 FR 8553
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4701

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RIN: 2003-AA00

### 3340. RECYCLING OF CATHODE RAY TUBES (CRTS) AND MERCURY-CONTAINING EQUIPMENT: CHANGES TO HAZARDOUS WASTE REGULATIONS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925

**CFR Citation:** 40 CFR 261; 40 CFR 273

**Legal Deadline:** None

**Abstract:** This action will ultimately revise the existing Federal hazardous waste regulations to encourage recycling and better management of Cathode Ray Tubes (CRTs) by providing a conditional exclusion from the definition of solid waste for CRTs being recycled. A CRT is the display component of a television or computer monitor. A CRT is made largely of specialized glasses, some of which contain lead to protect the user from X-rays inside the CRT. Due to the lead, when they are disposed of or reclaimed, some CRTs are hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) regulations. This rule will also streamline RCRA requirements for managing mercury-containing equipment by adding such equipment to the universal waste rule. This rule is planned in response to a June 9, 1998, recommendation on CRT recycling from the Common Sense Initiative (CSI) Council to the Environmental Protection Agency (EPA), and in response to a petition from the Utilities Solid Waste Activities Group regarding mercury-containing equipment. The goal of this action is to improve management and encourage recycling, thereby minimizing disposal of lead, increasing resource recovery, and enhancing protection of human health and the environment.

#### Timetable:

Action	Date
NPRM	06/12/02 67 FR 40507
Final Action	01/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4092

**Sectors Affected:** 334411 Electron Tube Manufacturing

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RIN: 2050-AE52

### 3341. PROJECT XL — ORTHO-MCNEIL PILOT PROJECT ALLOWING ON-SITE TREATMENT OF LOW-LEVEL MIXED WASTES WITHOUT RCRA PERMIT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** This site-specific rulemaking would allow Ortho-McNeil Pharmaceutical to treat small volumes of low-level mixed wastes on-site using a bench-scale catalytic oxidizing treatment unit. This treatment effectively destroys the organic component of the wastestream, yielding a residual that is only a low-level radioactive waste.

#### Timetable:

Action	Date
NPRM	07/24/01 66 FR 38395
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4439

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Final Rule Stage

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RIN: 2090-AA14

### 3342. • AMENDMENT TO PROJECT XL RULEMAKING AND FINAL PROJECT AGREEMENT (FPA) FOR NEW ENGLAND UNIVERSITIES LABORATORIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** SWDA sec 1006, 2002, 3001 to 3007, 3010, 7004 as amended by RCRA; 42 USC 6905; 42 USC 6906; 42 USC 6912; 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6937; 42 USC 6938; 42 USC 6974

**CFR Citation:** 40 CFR 262

**Legal Deadline:** None

**Abstract:** Under the Project XL program, the EPA is supporting a project for the New England Universities Laboratories in Massachusetts and Vermont. On September 28, 1999, the EPA promulgated a site-specific rule to help implement the project. This action would amend the site-specific rule by extending the date of compliance. The rule would provide regulatory flexibility under the Resource

Conservation and Recovery Act, as amended. It would allow the participating laboratories at the Universities to replace existing hazardous waste determination and satellite accumulation requirements for hazardous waste generators with a comprehensive Laboratory Environmental Management Plan designed for each University. This proposal pertains only to the participating laboratories at the Universities, all other areas of each University would continue to be subject to existing standards and regulations. Part 1: Integrated, Performance-Based Environmental Management System: The principal objective of this Laboratory XL Project is to pilot a flexible, performance-based system for managing laboratory waste. The management of hazardous chemicals in university laboratories is primarily regulated by two federal statutes: The Occupational Safety and Health Act (OSHA) and the Resource Conservation and Recovery Act (RCRA). To achieve this objective, the Universities have developed a three-part regulatory model which includes (1) a Laboratory Environmental Management Standard which defines the elements for the effective management of laboratory wastes, (2) Minimum Performance Criteria for the management of laboratory wastes and (3) the development of a Laboratory Environmental Management Plan which is a documented description of how

each University will conform to the Laboratory Environmental Management Standard and the Minimum Performance Criteria. Part 2: Clarification of Treatment in Tanks and Containers Rule. A second objective of this project is to clarify, by the use of specific treatment protocols, certain activities which constitute exempt treatment of hazardous waste in tanks and containers under current RCRA regulations.

#### Timetable:

Action	Date
Direct Final Rule	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4238

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RIN: 2090-AA32

### Environmental Protection Agency (EPA)

### Resource Conservation and Recovery Act (RCRA)

### Long-Term Actions

### 3343. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

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

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

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944(a)

**CFR Citation:** 40 CFR 257

**Legal Deadline:** None

**Abstract:** This action is for the development of non-hazardous waste

regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by steam electric power generators, i.e., electric utilities and independent power producers. This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), which concluded that waste management regulations under RCRA are appropriate for certain coal combustion wastes. The utility industry has made significant improvement in its waste management practices over recent years, and most state regulatory programs are similarly improving. However, public comment

and other analyses have convinced the Agency that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. There is sufficient evidence that adequate controls may not be in place. For example, 62 percent of existing utility impoundments do not have groundwater monitoring; thus, their impact on ground and surface waters cannot be evaluated in light of numerous damage cases identified by the Agency that involve management of these wastes. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the

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environment, including ecological risks. The Agency is currently analyzing the human health and eco risks, costs, and economic impact of this action as it develops the proposed regulation. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, but has rejected this approach as discussed in the regulatory determination (see 65 FR 32214, May 22, 2000). EPA has also considered issuing guidance instead of regulations to industry and state and local governments to focus on these remaining waste management issues but concluded that there will probably continue to be some gaps in practices and controls and is concerned at the possibility that these will go undressed. The Agency also believes the timeframe for improvement of current practices is likely to be longer in the absence of federal regulation.

**Timetable:**

Action	Date
NPRM	08/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4470**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation

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**RIN:** 2050-AE81

### 3344. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES — NON-POWER PRODUCERS AND MINEFILLING

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

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

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944

**CFR Citation:** 40 CFR 257**Legal Deadline:** None

**Abstract:** This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by non-utility combustors. Non-utility combustors are commercial, industrial, and institutional facilities that burn coal in boilers to generate steam. The regulations will also apply to mine facilities where any coal combustion wastes are managed, (i.e., backfilled into mined areas). This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), in which the Agency concluded that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. As described in the regulatory determination, there is sufficient evidence that adequate controls may not be in place. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency has completed information collection efforts and is currently analyzing this information. The Agency will also analyze the human health and eco risks, costs, and economic impact of this action as it develops the proposed regulations. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, but has rejected this approach as discussed in the regulatory determination (see 65 FR 32214, May 22, 2000). EPA has also considered issuing guidance to industry and state and local governments to focus on the waste management issues but concluded that there will probably continue to be some gaps in practices and controls and is concerned at the possibility that these will go undressed. The Agency is considering alternatives to regulation of mine placement under RCRA per this action, including consulting with the U.S. Department of the Interior on appropriate measures under the Surface Mining Control and Reclamation Act (SMCRA) or some combination of both SMCRA and RCRA.

**Timetable:**

Action	Date
NPRM	08/00/04

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4469

**Sectors Affected:** 311 Food Manufacturing; 313 Textile Mills; 337 Furniture and Related Product Manufacturing; 2121 Coal Mining; 322 Paper Manufacturing; 325 Chemical Manufacturing; 331 Primary Metal Manufacturing; 336 Transportation Equipment Manufacturing; 62 Health Care and Social Assistance; 22112 Electric Power Transmission, Control and Distribution

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**RIN:** 2050-AE83

### 3345. RCRA BURDEN REDUCTION INITIATIVE, PHASE 2

**Priority:** Other Significant

**Legal Authority:** 42 USC 6907; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937 to 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104-13

**CFR Citation:** 40 CFR 260.31; 40 CFR 261.4; 40 CFR 261.38; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56; 40 CFR 265.73; 40 CFR 265.98 et seq; 40 CFR 266.103; 40 CFR 268.7, 268.9; ...

**Legal Deadline:** None

**Abstract:** As part of its response to the Paperwork Reduction Act, EPA formed the RCRA Burden Reduction Initiative. The Agency is reviewing additional Burden Reduction opportunities, some of which were proposed but not included in the Burden Reduction Initiative final rule. Additionally, EPA will look for opportunities for burden reduction within the Biennial Report. Moving from a paper system to an electronic system focused on

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information gathered and generated by Treatment, Storage, and Disposal Facilities may provide for significant Burden Reduction savings. We're developing options and a proposal.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4735

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**RIN:** 2050-AF01

### 3346. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO PETROLEUM-CONTAMINATED MEDIA AND DEBRIS FROM UNDERGROUND STORAGE TANKS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6921 RCRA 3001

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** In the final hazardous waste Toxicity Characteristic (TC) rule published in June 1990, EPA decided to temporarily defer application of the TC rule to petroleum-contaminated media and debris, such as soils and groundwater, that result from underground storage tank (UST) corrective actions. This rule is part of the Agency's commitment to make a final determination regarding the UST temporary deferral. The temporary deferral was, in part, based on the Agency's concern that without such a deferral, UST cleanup procedures would be adversely affected, resulting in delays in remedial action and increases in remediation costs. Since this action is deregulatory, there are no adverse effects on small businesses, or on State, local, or tribal governments.

**Timetable:**

Action	Date
NPRM	02/12/93 58 FR 8504
Final Action	12/00/05

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 3189

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**RIN:** 2050-AD69

### 3347. REVISIONS FOR TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6901 et seq

**CFR Citation:** 40 CFR 262 subpart H (Revision)

**Legal Deadline:** None

**Abstract:** The Agency is considering changing the existing regulation 40 CFR 262 subpart H, which regulates transboundary movement of hazardous waste within all countries that are members of the Organization for Economic Cooperation and Development (OECD). This is in response to the fact that there is now approximately \$30-40 billion in annual trade among developed countries in waste recyclables, with the United States having a positive trade balance. Because each of the developed countries (the 30 OECD countries) had a different system for controlling the exports and imports of waste, including recyclables, the international recycling market was not as efficient as it could be. A more streamlined, uniform system for exports and imports will also increase recycling and lessen disposal. The U.S. was actively involved in the negotiation of a legally-binding OECD multilateral agreement to create a more streamlined system. OECD Member countries are then obligated to transfer the terms of the multilateral agreement to their domestic

regulations in order for the multilateral agreement to have legal authority. This regulation would be amended to comply with changes passed by the OECD Council. Existing waste lists may be restructured to comply with the new OECD waste lists. As such, previously existing waste lists may be renamed according to adopted OECD terminology. Shipments of small waste amounts destined for laboratory analysis may be exempted from filing certain paperwork requirements that are otherwise required. A certificate of recovery may be required upon final recovery of wastes and timeframes for recovery operations may be changed to reflect the decisions made by the OECD Council. This needs to have a Federal solution because international exports and imports are overseen at the Federal level due to the foreign powers authority clause.

Many alternatives were considered by government and industry during the intensive negotiations on the legally binding multilateral agreement, with the U.S. having a great deal of influence over which alternatives were in the final agreement. The Agency plans to codify the streamlining provisions of the OECD multilateral agreement, regulating exporters and importers of waste recyclables.

Exporters and importers of waste recyclables will need to implement the international uniform procedures of the OECD multilateral agreement, however these costs will be less than would be needed to deal with 30 different national export and import systems. In addition, some common existing export and import procedures were streamlined so that the new procedures are even more efficient than was common in the past. The benefits are greater administrative efficiency for U.S. exporters and importers in the international recycling market, and a lower level of waste disposal in the United States since there is more efficient access to other recycling markets.

**Timetable:**

Action	Date
NPRM	07/00/04
Direct Final Rule- Revisions for Transboundary Shipments of Hazardous Waste	07/00/04

**Regulatory Flexibility Analysis**

**Required:** No

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**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4606

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**RIN:** 2050-AE93

### 3348. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a) RCRA 2002(a); 42 USC 6924 RCRA 3004; 42 USC 6925 RCRA 3005; 42 USC 6926 RCRA 3006

**CFR Citation:** 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761

**Legal Deadline:** None

**Abstract:** EPA's regulations require companies to provide financial assurance for environmental obligations, and allow companies that meet certain requirements to self insure their environmental obligations for closure, post-closure care and third party liability. EPA proposed a revised financial test because the revised test would be better at predicting which firms will enter bankruptcy and not be able to cover their financial assurance obligations at hazardous waste treatment, storage and disposal facilities. If such a firm were to enter bankruptcy, the government could incur the clean up liability.

EPA's regulations set the minimum national standards for state hazardous waste programs, and so a change in federal requirements would be necessary to ensure consistent improvements in the test. Without rulemaking, states would have the option of not adopting these changes, and so the improvement in the test would not be implemented in states that cannot have regulations that are more stringent than federal standards. The proposal considered several alternative financial tests, and the

analysis supporting the original proposal found that the savings from the proposed alternative would be \$19 million in public and private costs. If EPA promulgates a revised financial test, it may affect companies that treat, store or dispose of hazardous waste.

#### Timetable:

Action	Date
NPRM Original	07/01/91 56 FR 30201
NPRM	10/12/94 59 FR 51523
Notice of Data Availability	12/00/04
Final Action	03/00/06

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2647

**Sectors Affected:** 323114 Quick Printing; 325131 Inorganic Dye and Pigment Manufacturing; 323110 Commercial Lithographic Printing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 331311 Alumina Refining; 325211 Plastics Material and Resin Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 32512 Industrial Gas Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325193 Ethyl Alcohol Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 311942 Spice and Extract Manufacturing; 32411 Petroleum Refineries; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 33271 Machine Shops; 33299 All Other Fabricated Metal Product Manufacturing; 333319 Other Commercial and Service Industry Machinery Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 334 Computer and Electronic Product Manufacturing; 336 Transportation Equipment Manufacturing; 48422 Specialized Freight (except Used Goods) Trucking, Local; 56211 Waste Collection; 22111 Electric Power Generation; 221112 Fossil Fuel Electric Power Generation; 22132 Sewage Treatment Facilities; 56292 Materials Recovery Facilities; 56221 Waste

Treatment and Disposal; 42271 Petroleum Bulk Stations and Terminals; 45431 Fuel Dealers; 4411 Automobile Dealers; 4471 Gasoline Stations; 811111 General Automotive Repair

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**RIN:** 2050-AC71

### 3349. LAND DISPOSAL RESTRICTIONS; TREATMENT STANDARDS FOR SPENT POTLINERS FROM PRIMARY ALUMINUM REDUCTION (K088) AND REGULATORY CLASSIFICATION OF K088 VITRIFICATION UNITS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924

**CFR Citation:** 40 CFR 268; 40 CFR 271

**Legal Deadline:** None

**Abstract:** On July 20, 2000, EPA proposed revised treatment standards for K088 wastes. Specifically, the Agency proposed to lower the cyanide treatment standard and reinstate a treatment standard for fluoride nonwastewaters based on a deionized water leach test. Comments to the proposed rule were significant and suggest that there are significant treatment issues yet to be resolved for K088 waste. The Agency needs to further assess the treatment universe for K088 and is considered extending the possible date of a final rule or to investigate other strategies both regulatory and non-regulatory to facilitate recycling of spent aluminum potliners.

#### Timetable:

Action	Date
NPRM	07/12/00 65 FR 42937
Final Action	To Be Determined

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4233

**Sectors Affected:** 3334 Ventilation, Heating, Air-Conditioning and Commercial Refrigeration Equipment Manufacturing

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

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**RIN:** 2050-AE65

## Environmental Protection Agency (EPA)

## Completed Actions

## Resource Conservation and Recovery Act (RCRA)

### 3350. LAND DISPOSAL RESTRICTIONS; NOTICE OF DATA AVAILABILITY; MERCURY TREATABILITY STUDIES

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 40 CFR 268

**Completed:**

Reason	Date
NoDA	01/29/03 68 FR 4481

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State

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**RIN:** 2050-AE54

### 3351. LAND DISPOSAL RESTRICTIONS; NATIONAL TREATMENT VARIANCE FOR RADIOACTIVELY CONTAMINATED CADMIUM, MERCURY, AND SILVER WASTE BATTERIES

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 268; 40 CFR 278

**Completed:**

Reason	Date
NPRM	10/07/02 67 FR 62626
Direct Final Action	10/07/02 67 FR 62618

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

**Government Levels Affected:** None

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**RIN:** 2050-AE99

### 3352. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS

**Priority:** Other Significant

**CFR Citation:** 40 CFR 60; 40 CFR 63;  
40 CFR 260; 40 CFR 264; 40 CFR 265;  
40 CFR 266; 40 CFR 270

**Completed:**

Reason	Date
Merged Into 2050-AE01, SAN 3333	03/12/03

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

**Government Levels Affected:** Federal, State

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**RIN:** 2050-AE79

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Comprehensive Environmental Response, Compensation and Liability Act

### 3353. REPORTABLE QUANTITY ADJUSTMENTS FOR CARBAMATES AND CARBAMATE-RELATED HAZARDOUS WASTE STREAMS; REPORTABLE QUANTITY ADJUSTMENT FOR INORGANIC CHEMICAL MANUFACTURING PROCESS WASTE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 9602(a); 42 USC 11004

**CFR Citation:** 40 CFR 302; 40 CFR 355

**Legal Deadline:** None

**Abstract:** EPA has listed carbamate waste streams as hazardous wastes under the Resource Conservation and Recovery Act (RCRA). RCRA listed wastes, by statute, automatically become hazardous substances under the

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and are assigned a one pound statutory reportable quantity (RQ) until EPA adjusts them. These substances also become subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) with a one pound threshold. EPA, in this action, will propose RQ adjustments for the carbamates. Most RQ adjustments are expected to be greater than one pound. Raising the RQs for these substances would decrease the burden on 1) the regulated community for complying with the reporting requirements under CERCLA and EPCRA; 2) Federal, State, and local authorities for program implementation; and 3) Federal, State, or local authorities, if they release

hazardous substances at the RQ level or greater.

In addition, we are seeking to propose an RQ adjustment for the inorganic chemical manufacturing process waste (K178)(66 FR 58258, 11/20/01).

**Timetable:**

Action	Date
NPRM	06/00/03

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

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3423

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**EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage**

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**3354. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9602-9603

**CFR Citation:** 40 CFR 302 (Revision)

**Legal Deadline:** None

**Abstract:** The Agency is considering proposing corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F- and K-waste streams and entries in appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in Table 302.4, appendix A to section 302.4, and the table in section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in Table 302.4.

**Timetable:**

Action	Date
NPRM	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4737

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 RIN: 2050-AF03

**3355. STANDARDS AND PRACTICES FOR CONDUCTING "ALL APPROPRIATE INQUIRY"**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9601 et seq

**CFR Citation:** 40 CFR 312

**Legal Deadline:** Final, Statutory, January 11, 2004, Small Business Liability Protection Act section 223, CERCLA 101(35)(B)(2)(ii).

**Abstract:** The Small Business Liability Relief and Brownfields Revitalization

Act (the Brownfields Law) amended a number of provisions in CERCLA including section 101(35)(B) and includes, among other things, new provisions regarding limitations on CERCLA liability for certain landowners. As part of these provisions, the Brownfields Law addresses the need for bona fide prospective purchasers, contiguous property owners, and innocent landowners to conduct "all appropriate inquiry" into prior ownership and use of the property at the time the party acquires the property.

In the Brownfields Law, Congress directed EPA to promulgate regulations establishing standards and practices for conducting "all appropriate inquiry." Section 101 (35)(B)(iii) of the Law includes criteria that EPA is required to address in setting these standards and practices. This regulation will establish the Federal standards for conducting "all appropriate inquiry," pursuant to the Act.

EPA is considering developing the Federal standard for all appropriate inquiry under a negotiated rulemaking process. EPA may establish a FACA Committee charged with negotiating a Federal standard in accordance with the statutory criteria.

Costs associated with the new Federal standard may include incremental costs, associated with using the new Federal standard, that are over and above the costs associated with the privately developed standards currently employed in conducting all appropriate inquiry for the purposes of real estate transaction. This rulemaking will not impose new mandatory requirements on any entities, other than recipients of Federal brownfields grants provided for the purpose of assessing or characterizing brownfields sites. Other than these grant recipients, the standards will be applicable to purchasers of contaminated properties who wish to assert certain limitations on CERCLA liability. The benefits of the regulation may include providing purchasers of contaminated property with clarity regarding the procedures and standards for the conduct of "all appropriate inquiry" required to assert certain limitations on CERCLA liability.

**Timetable:**

Action	Date
NPRM	01/00/04

**Regulatory Flexibility Analysis Required:** No

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

**Additional Information:** SAN No. 4739

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**RIN:** 2050-AF04

**3356. REVISE 40 CFR PART 35 SUBPART O: COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9601 to 9675

**CFR Citation:** 40 CFR 35 subpart O

**Legal Deadline:** None

**Abstract:** 40 CFR part 35 subpart O is the Superfund Administrative Regulation that governs awarding of Superfund cooperative agreements (CAs) to States, Indian tribes, and territories of the United States. Subpart O covers State-lead, site-specific cooperative agreements for non-time-critical removal, preredial, remedial, and enforcement actions, and site-specific management assistance for federal-lead projects. Also covered by subpart O are non-site-specific Core Program and Voluntary Cleanup Program State infrastructure development, as well as Brownfields pilots, and Brownfields assessments. The requirements for Superfund State contracts, financial administration, property, procurement, reporting, recordkeeping, and closeout are provided in subpart O.

Subpart O was promulgated 6/5/1990, and became effective on 7/5/1990. Many changes in the Superfund program have occurred over the past almost ten years and these need to be reflected in subpart O. The six

**EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage**

categories of CAs presently used in subpart O need greater flexibility to accommodate the new types of CAs that have developed. For example, the number of Block Funding Reform pilots, begun in 1997, to consolidate several of the cooperative agreements offered in subpart O, has grown to about 16 for fiscal year 2000, and have generated at least 60 approved deviation requests from subpart O and 40 CFR part 31. These pilot projects offer considerable administrative relief to States, tribes, and EPA by reducing reporting requirements, broadening scope changes without amendment, increasing the ability to move monies within and among CAs, and relaxing application requirements regarding site-specific identification of cooperative agreement funds to certain activities, while maintaining site-specific drawdown requirements needed for

cost recovery and Superfund accounting. Subpart O also needs to be conformed with part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements).

EPA expects to institutionalize the combining of CA types, create more flexible reporting requirements, permit greater scope changes without amendment, provide more flexible money movement within and among CAs, and promote other policy advances in State/tribal/EPA interaction.

**Timetable:**

Action	Date
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

**Additional Information:** SAN No. 4177

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**RIN:** 2050-AE62

**Environmental Protection Agency (EPA)****Final Rule Stage****Comprehensive Environmental Response, Compensation and Liability Act****3357. CLARIFICATION TO INTERIM STANDARDS AND PRACTICES FOR "ALL APPROPRIATE INQUIRY" UNDER CERCLA AND NOTICE OF FUTURE RULEMAKING ACTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 9601(35)

**CFR Citation:** 40 CFR 312

**Legal Deadline:** None

**Abstract:** EPA published a rule to explain and clarify a provision included in recent amendments to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA addressed certain interim standards established in the Small Business Liability Relief and Brownfields Revitalization Act (the Brownfields Act) for conducting "all appropriate inquiry," to establish exemptions from liability under CERCLA or establish that a landowner had no reason to know of contamination at a property under CERCLA liability provisions prior to purchasing the property. The Brownfields Act provides clarification of provisions related to CERCLA

liability for certain parties including contiguous property owners, prospective purchasers, and innocent landowners. Among the requirements added to CERCLA is the requirement that such parties undertake "all appropriate inquiry" into prior ownership and use of certain property.

Under the Brownfields Act, Congress provided an interim standard for conducting all appropriate inquiry, the American Society for Testing and Materials (ASTM) standard known as Standard E1527-97 (entitled Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process). This interim standard applies to properties purchased after May 31, 1997 until EPA promulgates regulations establishing standards and practices for conducting all appropriate inquiry. The rule clarifies the interim requirements for conducting "all appropriate inquiry" in the case of property purchased on or after May 31, 1997 and the conduct of such activities to establish an innocent landowner defense.

EPA received an adverse comment to the direct final rule addressing the

interim standard. A withdrawal of the direct final rule will be published. We will address the concerns raised during the comment period in a subsequent final rule.

**Timetable:**

Action	Date
NPRM	01/24/03 68 FR 3478
Direct Final Rule	01/24/03 68 FR 3435
Direct Final Rule Withdrawn	03/25/03 68 FR 14399
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No

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

**Additional Information:** SAN No. 4740

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**RIN:** 2050-AF05

## Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation and Liability Act

## Long-Term Actions

### 3358. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 9605; CERCLA 105

**CFR Citation:** 40 CFR 300.425

**Legal Deadline:** None

**Abstract:** This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

#### Timetable:

Action	Date	
NPRM 24	03/06/98	63 FR 11340
Final Action 20	03/06/98	63 FR 11332
NPRM 25	07/28/98	63 FR 40247
Final Action 21	07/28/98	63 FR 40182
Final Action (Tex-Tin Corp)	09/18/98	63 FR 49855
NPRM 26	09/29/98	63 FR 51882
Final Action 22	09/29/98	63 FR 51848
NPRM 27	01/19/99	64 FR 2950
Final Action 23	01/19/99	64 FR 2942
NPRM (Midnight Mine)	02/16/99	64 FR 7564
NPRM 28	04/23/99	64 FR 19968
NPRM (Almeda)	05/10/99	64 FR 24990
Final Action 24	05/10/99	64 FR 24949
NPRM 29	07/22/99	64 FR 39886
Final Action 25	07/22/99	64 FR 39878
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
NPRM 31	02/04/00	65 FR 5468
Final Action 26	02/04/00	65 FR 5435
NPRM 32	05/11/00	65 FR 30489
Final Action 28	05/11/00	65 FR 30482
NPRM 33	07/27/00	65 FR 46131
Final Action 29	07/27/00	65 FR 46096
NPRM Alabama/Malone	08/24/00	65 FR 51567
NPRM 34	12/01/00	65 FR 75215
Final Action 30	12/01/00	65 FR 75179
NPRM 35	01/11/01	66 FR 2380
NPRM 36	06/14/01	66 FR 32287
Final Action 31	06/14/01	66 FR 32235
NPRM 37	09/13/01	66 FR 47612
Final Action 32	09/13/01	66 FR 47583
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3439

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**RIN:** 2050-AD75

### 3359. CRITERIA FOR THE DESIGNATION OF HAZARDOUS SUBSTANCES UNDER CERCLA SECTION 102(A)

**Priority:** Other Significant

**Legal Authority:** 42 USC 9602

**CFR Citation:** 40 CFR 302.4

**Legal Deadline:** None

**Abstract:** This action will address the development of evaluation criteria for the designation of substances as hazardous under CERCLA. It is necessary to develop evaluation criteria because the Agency has the authority under CERCLA 102(a) to designate substances as hazardous; however, the Agency does not have criteria to do so. To date the only substances designated as CERCLA hazardous substances are as a result of their appearance on other Acts' lists defined under CERCLA 101(14). Using CERCLA designation criteria the Agency may establish CERCLA hazardous substances independently from other Acts, in the interest of public health and the environment.

The purpose of this action is to have well thought out criteria for designating hazardous substances that may be applied to individual substances for evaluation and decision as to whether or not the substance should be appropriately designated a CERCLA 102(a) hazardous substance. The Agency already has the authority to designate substances as hazardous; in this action, criteria will be developed to implement that authority.

#### Timetable:

Action	Date
ANPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4201

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**RIN:** 2050-AE63

### 3360. ADMINISTRATIVE REPORTING EXEMPTION FOR CERTAIN AIR RELEASES OF NOX

**Priority:** Other Significant

**Legal Authority:** 42 USC 9603

**CFR Citation:** 40 CFR 302.6(c)

**Legal Deadline:** None

**Abstract:** The Agency is considering proposing to administratively exempt from reporting requirements the releases of certain NOx emissions to air. This would eliminate reports from facilities emitting NOx where the Agency has determined that the releases pose little or no risk or to which a Federal response is infeasible or inappropriate. Requiring reports of such releases would serve little or no useful purpose and could, instead, impose a significant burden on the Federal response system and on the persons responsible for notifying the Federal government of the release.

#### Timetable:

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4736

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**RIN:** 2050-AF02

**Environmental Protection Agency (EPA)**  
**Clean Water Act (CWA)**

Prerule Stage

**3361. • SEWAGE SLUDGE STANDARDS TO DETERMINE THE FINANCIAL IMPACT ON SMALL ENTITIES IN THE WASTEWATER TREATMENT SECTOR (SECTION 610 REVIEW)**
**Priority:** Info./Admin./Other**Legal Authority:** Clean Water Act, sec 405(d) and (e); 33 USC 1345(d) and (e) as amended; 5 USC 610**CFR Citation:** 40 CFR 503**Legal Deadline:** None

**Abstract:** On February 19, 1993 (58 FR 9248), EPA promulgated Standards for the Use or Disposal of Sewage Sludge for the three major sewage sludge management practices of land application, surface disposal, and incineration. The Part 503 Standards impose sewage sludge quality requirements on sewage sludge preparers and management practices on land appliers of sewage sludge. The Standards also have monitoring, recordkeeping, and reporting requirements. Small entities are subject to these standards. Small entities are defined as wastewater treatment plants that treat domestic sewage with wastewater flow capacities of less than one million gallons per day (MGD), septage pumps and haulers, and sewage sludge preparers and treaters that process and subsequently use/dispose of less than 290 dry metric tons of sewage sludge per year. On August 4, 1999 (64 FR 42551) the Part

503 standards were amended. One of the amendments allowed the permitting authority, at their discretion, to reduce the frequency of monitoring requirements for all wastewater treatment plants including small entities. EPA performed a Regulatory Flexibility Analysis when the Standards were promulgated in 1993 which indicated that the Rule could have a significant impact on a substantial number of small entities. EPA then used this analysis to develop the rule in a way that mitigated small entity impact to the extent possible while still fulfilling the Clean water Act's Section 405(d) mandate to protect public health and the environment with an adequate margin of safety. EPA is now initiating a review of the rule under Section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA will consider, and solicits comments, on the following factors: (1) The continued need for the rule; (2) The nature of complaints or comments received concerning the rule; (3) The complexity of the rule; (4) The extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) The degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

Comments should be submitted to the Agency Contact listed below. Comments must be received 90 days after this Federal Register notice. This action is not a rulemaking—it is a review of an existing rulemaking. Any new rulemaking activity resulting from this review will be noticed in future Regulatory Agendas. Comments should be submitted (in duplicate if possible) to the Office of Water Docket (4101T), Attention: Docket No. OW xx-xx, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Comments received are available for public viewing at the EPA Docket Center Public Reading Room.

**Timetable:**

Action	Date
Begin Review	05/00/03
End Review	05/00/04

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4792

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**RIN:** 2040-AD96
**Environmental Protection Agency (EPA)**  
**Clean Water Act (CWA)**

Proposed Rule Stage

**3362. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN; SUBPART J PRODUCT SCHEDULE LISTING REQUIREMENTS**
**Priority:** Other Significant**Legal Authority:** 33 USC 1321(d)(2); CWA 311(d)(2)**CFR Citation:** 40 CFR 300**Legal Deadline:** None

**Abstract:** This action will propose revisions to subpart J of the National Contingency Plan (NCP) (40 CFR part 300.900). Section 311(d)(2)(G) of the Clean Water Act requires that EPA prepare a schedule of dispersants, other chemicals, and other spill mitigating devices and substances, if any, that

may be used in carrying out the NCP. Under subpart J, respondents wishing to add a product to the Product Schedule must submit technical product data specified in 40 CFR 300.915 to EPA. This rulemaking will propose revisions to subpart J to clarify and change protocols for effectiveness and toxicity testing. It will clarify EPA authority to remove products from the Product Schedule. These changes will help ensure protection of the environment when these products are used to clean up and mitigate oil spills into or upon navigable waters, adjoining shorelines, the waters of the contiguous zone, or which may affect natural resources belonging to or under the exclusive management authority of the United States.

**Timetable:**

Action	Date
NPRM	08/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4526

**Sectors Affected:** 54 Professional, Scientific and Technical Services; 3259 Other Chemical Product Manufacturing; 325 Chemical Manufacturing; 3251 Basic Chemical Manufacturing

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## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

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RIN: 2050-AE87

### 3363. ● EFFLUENT GUIDELINES PROGRAM PLAN FOR 2004/2005

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(m) CWA

**CFR Citation:** None

**Legal Deadline:** Final, Statutory, February 4, 2004, Final Plan.

**Abstract:** EPA publishes an Effluent Guidelines Program Plan every other year. The Plan is required by section 304(m) of the Clean Water Act (CWA). The Plan discusses the status of ongoing rulemakings, development of additional rules, and preliminary studies. The Plan sets forth EPA's rationale for the selection of particular industries as candidates for new or revised effluent guidelines. EPA's Effluent Guidelines Program Plan for 2004/2005 will describe the effluent guidelines program and the effluent guidelines underway, as well as identifying guidelines that may be revised or new guidelines that may be developed. OW will use the 2004/2005 Plan as a strategic opportunity to help design the future of the technology-based pollution control program for industrial sources.

**Timetable:**

Action	Date
Proposed Plan	06/00/03
Final Plan	02/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4766

**URL For More Information:**  
<http://www.epa.gov/guide>

**URL For Public Comments:**  
Proposed Plan-  
<http://www.epa.gov/edocket>

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RIN: 2040-AD92

### 3364. ● EFFLUENT GUIDELINES AND STANDARDS FOR PHARMACEUTICAL MANUFACTURING: AMENDMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 306; CWA 307

**CFR Citation:** 40 CFR 439

**Legal Deadline:** None

**Abstract:** These amendments to the final rule would achieve the following. First, EPA is clarifying the date on which a discharger subject to the New Source Performance Standards (NSPS) and the Pretreatment Standards for New Sources (PSNS) promulgated in earlier regulations would be subject to the more stringent effluent limitations and pretreatment standards established in the 1998 regulation by specifying the 10 year prior date by which a new source under the previous (1983) standard would be subject to the new Best Available Technology (BAT) limitations from existing source instead of using the more vague term of "10 years." Second, this rule reestablishes a minimum concentration for the monthly average BOD5 limitation in this section that EPA inadvertently omitted from the 1998 regulation. Next, the amendments correct an error in EPA's pass-through analysis of the 1998 rule by deleting methyl Cellosolve (2-methoxyethanol) from the pretreatment standards in two subcategories and from a table in the Appendix. Finally, the Agency is making other non-substantive editorial and format changes such as shortening the authority to conform to more recent guidelines from the Federal Register Office, shortening tables by removing redundancy, and adding definitions.

**Timetable:**

Action	Date
NPRM	03/13/03 68 FR 12276
Direct Final Rule	03/13/03 68 FR 12266
NPRM Comment Period End	05/12/03
Direct Final Rule Effective	06/11/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4741

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RIN: 2040-AD97

### 3365. TEST PROCEDURES FOR THE ANALYSIS OF MERCURY UNDER THE CLEAN WATER ACT (METHOD 245.7)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 501 (a); 33 USC 1314(h); 33 USC 1361(a)

**CFR Citation:** 40 CFR 136.3

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve a new analytical test procedure (method) for the determination of mercury in the wastewater program as authorized under the Clean Water Act (CWA). This new test procedure is capable of measuring mercury at low parts-per-trillion (ppt; ng/L) concentrations and would be an alternative to the recently promulgated EPA Method 1631, which also determines mercury at low ppt concentrations. EPA Method 245.7 uses similar technology to EPA Method 1631 (cold vapor atomic fluorescence spectrometry), but it does not require the use of a gold trap. Laboratories claim that EPA Method 245.7 is a less burdensome and more cost-effective method than EPA Method 1631.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4377

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## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

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RIN: 2040-AD52

### 3366. TEST PROCEDURES: REVISIONS TO METHOD DETECTION AND QUANTIFICATION FOR THE CLEAN WATER ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h); 33 USC 1361(a)

**CFR Citation:** 40 CFR 136(b)

**Legal Deadline:** NPRM, Judicial, February 28, 2003, Settlement Agreement.

Final, Judicial, September 30, 2004, Settlement Agreement.

**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 related to the detection and quantification procedures currently used by EPA for analytes regulated in the wastewater program as authorized under the Clean Water Act (CWA). The current method detection limit (MDL) procedure is set forth at 40 CFR part 136, appendix B. EPA has not promulgated a generic procedure for quantification but it uses the minimum level of quantitation (ML) in its wastewater program. The ML is defined in analytical methods and is generally set at 3.18 times the MDL. The Office of Water has been working to revise and refine these concepts in response to the need to regulate pollutants at low levels (often levels that are lower than measurement capabilities will allow) and to address other potential approaches to detection and quantification, including concepts being introduced by outside organizations such as voluntary consensus standards bodies (VCSBs). The rulemaking would also re-evaluate the current MDL and quantification approaches and assess alternative approaches.

**Timetable:**

Action	Date
NPRM	03/12/03 68 FR 11791

Action	Date
NPRM Comment Period End	07/10/03
Final Action	09/00/04

### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4378

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RIN: 2040-AD53

### 3367. TEST PROCEDURES: NEW AND UPDATED TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h); 33 USC 1361(a); 42 USC 300f; 42 USC 300g-1; 42 USC 300j-4; 42 USC 300j-9(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under 40 CFR parts 136 and 141 to approve new and updated EPA methods for wastewater, ambient water quality, and drinking water, including new and updated versions of methods from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater, ambient water quality and/or drinking water programs, as authorized under the Clean Water Act (CWA) and Safe Drinking Water Act. This regulation would propose new methods for metals such as Method 1638 (which utilizes ICP/MS), new methods for chemical pollutants (e.g., Method 245.7), updated methods for chemical and biological pollutants (e.g.,

Methods 300.1 and 200.8), including methods from voluntary consensus standards bodies (VCSBs), and from other external organizations submitted under EPA's alternate test procedure program. The new and updated methods include methods from organizations such as the American Society for Testing and Materials (ASTM), Standard Methods, Association of Official Analytical Methods-International, and U.S. Geological Survey.

**Timetable:**

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

### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4540

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RIN: 2040-AD71

### 3368. NPDES PERMIT REQUIREMENTS FOR MUNICIPAL SANITARY AND COMBINED SEWER COLLECTION SYSTEMS, MUNICIPAL SATELLITE COLLECTION SYSTEMS, SANITARY SEWER OVERFLOWS, AND PEAK EXCESS FLOW TREATMENT FACILITIES

**Priority:** Other Significant

**Legal Authority:** 33 USC 1311; CWA 301; 33 USC 1314; CWA 304; 33 USC 1318; CWA 308; 33 USC 1342; CWA 402; 33 USC 1361; CWA 501(a)

**CFR Citation:** 40 CFR 122.38; 40 CFR 122.41; 40 CFR 122.42

**Legal Deadline:** None

**Abstract:** EPA is developing a notice of proposed rulemaking that would propose a broad-based regulatory framework for sanitary sewer collection

## EPA—Clean Water Act (CWA)

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systems under the NPDES program. The Agency is proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The standard requirements address reporting, public notification, and recordkeeping requirements for sanitary sewer overflows (SSOs), capacity assurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems; and a prohibition on SSOs. The Agency is also proposing a regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality. EPA is also proposing to clarify NPDES requirements, including secondary treatment requirements, for discharges from peak excess flow treatment facilities. EPA stated that public health and the environment are compromised by sanitary sewer overflows, which are discharges of raw sewage.

**Timetable:**

Action	Date
NPRM	12/00/03
Final Action	12/00/05

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** SAN No. 3999**Sectors Affected:** 22132 Sewage Treatment Facilities**URL For More Information:**

www.epa.gov

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**RIN:** 2040-AD02

**3369. GUIDANCE REGARDING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR MUNICIPAL WASTEWATER TREATMENT DURING WET WEATHER CONDITIONS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1251 et seq**CFR Citation:** 40 CFR 122.41(m)**Legal Deadline:** None

**Abstract:** During periods of wet weather, wastewater flows received by municipal sewage treatment plants can significantly increase, which can create operational challenges for sewage treatment facilities. Where peak flows approach or exceed the design capacity of a treatment plant they can seriously reduce treatment efficiency or damage treatment units. In addition to hydraulic concerns, wastewater associated with peak flows may have low organic strength, which can also decrease treatment efficiencies.

EPA plans to invite comment on a draft guidance document and proposed interpretation of National Pollutant Discharge Elimination System (NPDES) permit requirements for peak wet weather discharges from a publicly owned treatment works (POTWs) that are comprised of effluent routed around biological treatment units and blended with the effluent from the biological units (or other advanced treatment units) prior to discharge, where the final discharge would meet permit effluent limitations based upon the secondary treatment regulations and any more stringent limitations necessary to meet water quality standards. Regulatory agencies, municipal operators of POTWs, and representatives of environmental advocacy groups have expressed uncertainty about the appropriate regulatory interpretation for such situations. EPA's intention would be that implementation of the draft guidance would ensure that NPDES requirements be applied in a nationally-consistent manner that improves the capacity, management, operation and maintenance of POTW treatment plants and collection systems.

**Timetable:**

Action	Date
Draft Guidance	06/00/03
Final Guidance	06/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** SAN No. 4690**Sectors Affected:** 22132 Sewage Treatment Facilities**URL For More Information:**

www.epa.gov

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**RIN:** 2040-AD87

**3370. WATERSHED RULE: TOTAL MAXIMUM DAILY LOAD (TMDL) PROGRAM REVISIONS**

**Priority:** Other Significant**Legal Authority:** 33 USC 1313; 33 USC 1329; 33 USC 1342; 33 USC 1256**CFR Citation:** 40 CFR 9; 40 CFR 122; 40 CFR 124; 40 CFR 130**Legal Deadline:** None

**Abstract:** Amend regulations governing the TMDL program to ensure that it is effective, allows for active participation by all stakeholders including local governments and communities. The amendments will address: the scope and content of the list of impaired waters required by section 303(d) of the Clean Water Act, the scope and content of TMDLs, EPA's role in helping States establish 303(d) lists and TMDLs so that impaired waters are restored, and the framework for implementing TMDLs provided by State CPPs and watershed plans. EPA is also proposing revision to the NPDES permitting regulations.

**Timetable:**

Action	Date
NPRM	09/00/03
Final Action	06/00/04

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN No. 4623

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**RIN:** 2040-AD82

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Clean Water Act (CWA)

**3371. EFFLUENT GUIDELINES AND STANDARDS FOR THE METAL PRODUCTS AND MACHINERY CATEGORY, PHASES 1 AND 2****Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311CWA 301; 33 USC 1314 CWA 304; 33 USC 1316 CWA 306; 33 USC 1317 CWA 307; 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 438

**Legal Deadline:** NPRM, Judicial,  
October 31, 2000.

Final, Judicial, February 14, 2003.

**Abstract:** EPA promulgated technology-based effluent limitations guidelines for the metal products and machinery point source category in February 2003. The category includes facilities that manufacture, rebuild, or maintain metal products, parts, or machines. EPA promulgated limitations and standards only for facilities that directly discharge wastewaters from oily operations in the Oily Wastes subcategory.

**Timetable:**

Action	Date
NPRM original (Phase 1)	05/30/95 60 FR 28210
NPRM (Consolidated Phase 1 and 2)	01/03/01 66 FR 424
NODA Final Action	06/05/02 67 FR 38752 05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 2806

**Sectors Affected:** 332 Fabricated Metal Product Manufacturing; 333 Machinery Manufacturing; 334 Computer and Electronic Product Manufacturing; 335 Electrical Equipment, Appliance and

Component Manufacturing; 336 Transportation Equipment Manufacturing; 337 Furniture and Related Product Manufacturing; 339 Miscellaneous Manufacturing

**URL For Public Comments:**

NPRM original-[www.epa.gov/edockets](http://www.epa.gov/edockets)

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**RIN:** 2040-AB79**3372. EFFLUENT GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT INDUSTRY**

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

**Unfunded Mandates:** This action may affect State, local or tribal governments.

**Legal Authority:** 33 USC 1311 CWA 301; 33 USC 1314 CWA 304; 33 USC 1316 CWA 306; 33 USC 1317 CWA 307; 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 450

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

Final, Judicial, March 31, 2004.

**Abstract:** The effluent guidelines would apply to some construction activities associated with new development, as well as to those associated with re-development activities. The regulations would address storm water runoff from

construction sites during the active phase of construction. Construction activity is a major source of sediment and other pollutants discharged to the nation's waters. Industries potentially affected by this rulemaking include land developers, home builders, builders of commercial and industrial property, and other private and public sector construction site owners and operators. EPA proposed design criteria for erosion and sediment controls. These requirements would be implemented in NPDES storm water permits issued to construction site owners and operators.

**Timetable:**

Action	Date
NPRM	06/24/02 67 FR 42644
Final Action	03/00/04

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4280

**Sectors Affected:** 233 Building, Developing and General Contracting; 234 Heavy Construction

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**RIN:** 2040-AD42

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**3373. EFFLUENT GUIDELINES AND STANDARDS FOR THE MEAT AND POULTRY PRODUCTS POINT SOURCE CATEGORY (REVISIONS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1342; 33 USC 1361**CFR Citation:** 40 CFR 432 (Revision)**Legal Deadline:** NPRM, Judicial, January 30, 2002.  
Final, Judicial, December 31, 2003.

**Abstract:** The Agency proposed revisions to the effluent limitations guidelines and standards for the Meat and Poultry Products Point Source Category in February 2002. The current regulations, at 40 CFR 432, are more than 20 years old and establish limitations and standards for only conventional pollutants. The current regulations do not establish national regulations for ammonia nitrogen discharges associated with slaughterhouses/ packinghouses (subparts A-D). Nutrients like ammonia may pose a water quality problem for impaired streams. Revisions to the current regulations may also include effluent limitations for poultry processing, which is not currently covered by any effluent guideline.

**Timetable:**

Action	Date
NPRM	02/25/02 67 FR 8582
Final Action	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions, Businesses**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4407**Sectors Affected:** 311615 Poultry Processing; 311611 Animal (except Poultry) Slaughtering; 311612 Meat Processed from Carcasses; 311613 Rendering and Meat By-product Processing**Agency Contact:** Samantha Lewis, Environmental Protection Agency, Water, 4303T, Washington, DC 20460  
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**RIN:** 2040-AD56**3374. • EFFLUENT GUIDELINES AND STANDARDS FOR THE CENTRALIZED WASTE TREATMENT POINT SOURCE CATEGORY (REVISION)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1316CWA; 33 USC 1317CWA**CFR Citation:** 40 CFR 437**Legal Deadline:** None

**Abstract:** EPA is considering promulgation of a direct final rule that would amend certain provisions of the effluent guidelines for the Centralized Waste Treatment industry, which were published on December 22, 2000. The rule would modify the limitations and standards for some of the regulated pollutants and would correct errors in the printed text.

**Timetable:**

Action	Date
Direct Final Action	08/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 4776**Sectors Affected:** 562219 Other Nonhazardous Waste Treatment and Disposal; 562211 Hazardous Waste Treatment and Disposal**Agency Contact:** Elwood Forsht, Environmental Protection Agency, Water, 4303T, Washington, DC 20460  
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Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve EPA Method 1622 and to approve microbiological methods for monitoring ambient water for the detection of *Cryptosporidium*, *Giardia*, *E. coli* and *Enterococci* in ambient waters. This proposed regulation would approve test procedures to be available for use by testing laboratories.

**Timetable:**

Action	Date
NPRM	08/30/01 66 FR 45811
Final Action	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4047**Agency Contact:** Robin K. Oshiro, Environmental Protection Agency, Water, 4303T, Washington, DC 20460  
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**RIN:** 2040-AD08**3376. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 2****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 33 USC 1311 CWA 301; 33 USC 1316 CWA 306; 33 USC 1326 CWA 316; 33 USC 1361 CWA 501**CFR Citation:** 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125**Legal Deadline:** NPRM, Judicial, February 28, 2002.  
Final, Judicial, February 16, 2004.**Abstract:** This rulemaking affects, at a minimum, existing electricity

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generating facilities that employ cooling water intake structures and whose intake flow levels exceed a minimum threshold to be determined by EPA during the rulemaking. Section 316(b) of the Clean Water Act provides that any standard established pursuant to sections 301 or 306 of the Clean Water Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. A primary purpose of the rulemaking is to minimize any adverse environmental impact that may be associated with the impingement and entrainment of fish and other aquatic organisms by cooling water intake structures. Impingement refers to trapping fish and other aquatic life on intake screens or similar devices where they may be injured or killed. Entrainment occurs when smaller aquatic organisms, eggs, and larvae are drawn into a cooling system, and then pumped back out, often with significant injury or mortality due to heat, physical stress or exposure to chemicals.

**Timetable:**

Action	Date
NPRM	04/09/02 67 FR 17122
NODA	03/19/03 68 FR 13522
Final Action	02/00/04

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 4474

**Sectors Affected:** 2211 Electric Power Generation, Transmission and Distribution

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**RIN:** 2040-AD62

### 3377. MINIMIZING ADVERSE ENVIRONMENTAL IMPACTS FROM COOLING WATER INTAKE STRUCTURES UNDER SECTION 316(B) OF THE CLEAN WATER ACT — PHASE I REVISIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq

**CFR Citation:** 40 CFR 125 subpart I

**Legal Deadline:** None

**Abstract:** This action will make three minor technical corrections to the final rule implementing section 316(b) of the Clean Water Act (CWA) for new facilities that use water withdrawn from rivers, streams, lakes, reservoirs, estuaries, oceans or other waters of the United States for cooling purposes. (EPA published the final rule in the Federal Register on December 18, 2001. 66 FR 65256.) The final rule established national technology-based performance requirements applicable to the location, design, construction, and capacity of cooling water intake structures at new facilities. The regulatory language did not correctly reflect EPA's intent in three minor instances. Therefore, EPA will make three minor changes to the regulatory text: (1) delete inadvertent requirement that quarterly monitoring occur at a low-flow condition that occurs once every ten years; (2) clarify that the permit director will consider information from fishery agencies about whether certain requirements should be put in a permit, clarify that an applicant delete unnecessary cross references in the alternative requirements provision to Track 2 and unnecessary cross references to the alternative requirements provision in the Track 2 provisions.

**Timetable:**

Action	Date
NPRM	12/26/02 67 FR 78956
Direct Final Rule	12/26/02 67 FR 78947
Direct Final Rule Withdrawn	03/24/03 68 FR 14164
Final Action	05/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4726

**Sectors Affected:** 221111 Hydroelectric Power Generation; 221112 Fossil Fuel Electric Power Generation; 221113

Nuclear Electric Power Generation; 221119 Other Electric Power Generation; 221121 Electric Bulk Power Transmission and Control; 221122 Electric Power Distribution; 111991 Sugar Beet Farming; 11193 Sugarcane Farming; 21221 Iron Ore Mining; 212391 Potash, Soda, and Borate Mineral Mining; 311221 Wet Corn Milling; 311311 Sugarcane Mills; 311312 Cane Sugar Refining; 311313 Beet Sugar Manufacturing; 311222 Soybean Processing; 311225 Fats and Oils Refining and Blending; 31214 Distilleries; 312229 Other Tobacco Product Manufacturing; 31221 Tobacco Stemming and Redrying; 31321 Broadwoven Fabric Mills; 321912 Cut Stock, Resawing Lumber, and Planing; 321113 Sawmills; 321918 Other Millwork (including Flooring); 321999 All Other Miscellaneous Wood Product Manufacturing; 321212 Softwood Veneer and Plywood Manufacturing; 321219 Reconstituted Wood Product Manufacturing; 3221 Pulp, Paper, and Paperboard Mills; 322121 Paper (except Newsprint) Mills; 32213 Paperboard Mills; 322121 Paper (except Newsprint) Mills; 322122 Newsprint Mills; 32213 Paperboard Mills; 322291 Sanitary Paper Product Manufacturing; 325 Chemical Manufacturing; 32411 Petroleum Refineries; 324199 All Other Petroleum and Coal Products Manufacturing; 326211 Tire Manufacturing (except Retreading); 31332 Fabric Coating Mills; 326192 Resilient Floor Covering Manufacturing; 326299 All Other Rubber Product Manufacturing; 32731 Cement Manufacturing; 324199 All Other Petroleum and Coal Products Manufacturing; 331111 Iron and Steel Mills; 331112 Electrometallurgical Ferroalloy Product Manufacturing; 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)

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**RIN:** 2040-AD85

## EPA—Clean Water Act (CWA)

## Final Rule Stage

**3378. COMPARISON OF DREDGED MATERIAL TO REFERENCE SEDIMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1344 CWA 404**CFR Citation:** 40 CFR 230**Legal Deadline:** None

**Abstract:** This action would revise the testing provisions of the Clean Water Act section 404(b)(1) Guidelines to provide for comparisons between dredged material proposed for discharge and reference sediment. Reference sediment would be defined as sediment that reflects conditions at the disposal site had no dredged material disposal ever occurred there. Because the disposal site itself is currently used as the point of comparison, this action would make a technical improvement in assessing cumulative impacts and help make dredged material testing under section 404 more consistent with that conducted for ocean disposal, which currently employs a reference sediment approach. This action is not expected to have a significant impact on State, local, or tribal governments or small business, as the action will be limited to Corps projects and permit applications for which dredged material testing is necessary, and because the effect of the action will be limited to changing the location of an otherwise collected sample.

**Timetable:**

Action	Date
NPRM	01/04/95 60 FR 419
Final Action	09/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3288

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**RIN:** 2040-AC14**3379. ROUND 2 STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE****Priority:** Other Significant**Legal Authority:** 33 USC 1345 CWA 405; 33 USC 1361(a) CWA 501(a)**CFR Citation:** 40 CFR 503 (Revisions)**Legal Deadline:** NPRM, Judicial, December 15, 1999.  
Final, Judicial, October 17, 2003.

**Abstract:** This rulemaking concerns dioxin and dioxin-like compounds in sewage sludge that is applied to the land. Section 405 of the Clean Water Act (CWA) requires EPA to promulgate regulations providing guidelines for the use and disposal of sewage sludge, including numeric standards for toxic pollutants which may adversely affect human health and the environment and management practices. EPA promulgated the first round of regulations, which set standards for toxic pollutants in sewage sludge for which information was available and management practices for land application, surface disposal and incineration of sewage sludge. (58 FR 9248, Feb. 19, 1993). EPA proposed the second round of regulations, for other toxic pollutants not regulated in the first round, of regulations, for other toxic pollutants not regulated in the first round, in December 1999 (64 FR 72045, Dec. 23, 1999). The proposed rule would establish a limit of 300 nanograms of TEQ dioxins per kilogram of dry sewage sludge for land application along with monitoring requirements. The proposal also proposed to take no regulatory action with respect to dioxins in sewage sludge that is disposed of at a surface disposal site or incinerated in a sewage sludge incinerator. EPA signed a final notice of its determination not to further regulate for dioxins in sewage sludge that is disposed of at a surface disposal site or incinerated in a sewage sludge incinerator, and stated that final action on the proposal to amend the land application rule will be published separately at a later date. (66 FR 66228, Dec. 21, 2001). On June 12, 2002 at 67 FR 40554, EPA published a notice of data availability in which EPA presented the results of a revised risk assessment and an analytical survey of dioxins in sewage sludge. The final action on the land application rule is subject to a consent decree deadline of October 17, 2003.

**Timetable:**

Action	Date
NPRM	12/23/99 64 FR 72045
Final Determination	12/21/01 66 FR 66228
NODA Notice of Data Availability RE: Land Application	06/12/02 67 FR 40554
Final Action Land Application	10/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3488

No further regulatory requirement for disposal and incineration.

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**RIN:** 2040-AC25**3380. MODIFICATION TO COMPETITIVE PROCESS USED BY EPA FOR WETLAND PROGRAM DEVELOPMENT GRANTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1251 CWA 104**CFR Citation:** 40 CFR 35.362; 40 CFR 35.382**Legal Deadline:** None

**Abstract:** EPA is proposing to modify the requirements for use of competitive procedures in the award of Wetland Program Development Grants (WPDG). The proposed changes for WPDG would provide the Regions with an option for allocating WPDG funds to States that meet criteria established in national program guidance. The proposed changes would provide States, interstate and local agencies greater flexibility in developing comprehensive programs.

**Timetable:**

Action	Date
Final Action	09/00/03

## EPA—Clean Water Act (CWA)

Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 4624

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**RIN:** 2040-AD83

## Environmental Protection Agency (EPA)

Long-Term Actions

## Clean Water Act (CWA)

**3381. EFFLUENT GUIDELINES AND STANDARDS FOR THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY, DISSOLVING KRAFT AND DISSOLVING SULFITE SUBCATEGORIES (PHASE III)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1342; 33 USC 1361**CFR Citation:** 40 CFR 430.10 to 430.18; 40 CFR 430.40 to 430.48**Legal Deadline:** None

**Abstract:** On December 17, 1993, EPA proposed revised effluent limitations, guidelines and standards and best management practices regulations for the Dissolving Kraft and Dissolving Sulfite Subcategories of the Pulp, Paper, and Paperboard Point Source Category (40 CFR part 430). This action, which OW refers to as Phase III of the Cluster Rules, will respond to comments and reflect new data. There are five domestic mills in these two subcategories. The final rule is anticipated to set limits for adsorbable organic halides (AOX), chemical oxygen demand (COD), chloroform, dioxin, furan, and 12 specific chlorinated phenolics.

**Timetable:**

Action	Date
NPRM	12/17/93 58 FR 66078
Final Action	09/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4370**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills

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**RIN:** 2040-AD49**3382. EFFLUENT GUIDELINES AND STANDARDS FOR THE CONCENTRATED AQUATIC ANIMAL PRODUCTION INDUSTRY****Priority:** Other Significant**Legal Authority:** CWA sec 301; CWA sec 304; CWA sec 306; CWA sec 307; CWA sec 308; CWA sec 318; CWA sec 402; CWA sec 501**CFR Citation:** 40 CFR 451

**Legal Deadline:** NPRM, Judicial, August 14, 2002.  
 Final, Judicial, June 30, 2004.

**Abstract:** EPA is focusing new efforts to help reduce nutrient loadings from commercial agricultural and industrial operations nationwide. Currently, there are no federal technology-based standards for aquatic animal production facilities, which are part of the aquaculture industry. This action is a new effort to develop pollutant controls in the form of nationally applicable discharge standards for commercial and public aquaculture operations. In assessments of surface water quality, States most frequently cite siltation, nutrients, and pathogens as the major cause of water quality impairment. With the growth of the aquaculture industry, and inconsistent state of regulatory oversight, EPA will examine available technologies for the control of solids which in turn control other pollutants, primarily nutrients. This action was formerly titled Aquaculture.

**Timetable:**

Action	Date
NPRM	09/12/02 67 FR 57871
Final Action	06/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN No. 4406

**Sectors Affected:** 112511 Finfish Farming and Fish Hatcheries; 112512 Shellfish Farming; 112519 Other Animal Aquaculture; 71213 Zoos and Botanical Gardens

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**RIN:** 2040-AD55**3383. WATER QUALITY STANDARDS FOR ALABAMA—PHASE II****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1313 CWA 303**CFR Citation:** 40 CFR 131

**Legal Deadline:** NPRM, Judicial, October 15, 2002, See additional information.

**Abstract:** Under the CWA, States have primary authority in developing water quality standards for waters within their jurisdiction. EPA maintains oversight authority in that States must

## EPA—Clean Water Act (CWA)

## Long-Term Actions

submit their water quality standards to EPA for review and approval or disapproval. If a State's water quality standards are not consistent with the requirements of the CWA and its supporting regulations, and are subsequently disapproved by EPA, the State must revise the disapproved water quality standards. If the State does not revise the disapproved water quality standards, the CWA requires the EPA Administrator to promulgate Federal water quality standards to supersede those disapproved provisions in the states' water quality standards. EPA is developing a proposed rule to determine the appropriate use designations for seven waterbodies in Alabama that EPA disapproved in 1986 and 1991.

**Timetable:**

Action	Date
NPRM	10/23/02 67 FR 65256
Final Action	05/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4264

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**RIN:** 2040-AD35**3384. WATER QUALITY STANDARDS FOR INDIAN COUNTRY WATERS****Priority:** Other Significant**Legal Authority:** 33 USC 1251 et seq

**CFR Citation:** 40 CFR 131; 40 CFR 121.17 (New); 40 CFR 122.4 (Amended); 40 CFR 123.1 (Amended); 40 CFR 131.4 (Amended); 40 CFR 131.40 (New); 40 CFR 230.10 (Amended); 40 CFR 233.1 (Amended); 40 CFR 233.51 (Amended)

**Legal Deadline:** None

**Abstract:** EPA is considering proposing a national rule containing core federal water quality standards (WQS) to

support tailored, site-specific decisions for certain waters in Indian country that do not have EPA-approved Tribal standards. EPA is contemplating this rule as a first step towards ensuring that the core Clean Water Act (CWA) framework for protecting water quality is in place for all such waters. The core federal water quality standards would establish: use designations consistent with CWA section 101(a) goals, cultural and traditional, and other uses; water quality criteria for protecting the designated uses; and an antidegradation policy designed to protect water quality. Such standards would provide a basis for EPA (in consultation with a Tribe) to affect pollution discharges occurring upstream from Tribal waters, provide a basis for including water quality based limitations or conditions in permits or certifications for discharges within Indian country; and provide the basis for establishing Total Maximum Daily Loads (TMDLs) for Indian country waters. A federal promulgation would not prevent Tribes from developing their own standards. The Office of Management and Budget reviewed the proposal and returned it to EPA on October 2, 2001, for further consideration and analysis. EPA is considering how to proceed.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN No. 4344

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**RIN:** 2040-AD46**3385. TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501

**CFR Citation:** 40 CFR 136**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new EPA methods for the determination of trace metals at EPA's water quality criteria levels. These methods are necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's designated water quality standard. Because the methods currently approved under 40 CFR part 136 were designed to support primarily technology-based permitting needs, and because these technology-based levels are as much as 280 times higher than water quality-based criteria for metals. EPA is pursuing approval of new test procedures.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 3702

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EPA—Clean Water Act (CWA)

Long-Term Actions

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 RIN: 2040-AC75

**3386. TEST PROCEDURES: INCREASED METHOD FLEXIBILITY FOR TEST PROCEDURES APPROVED FOR CLEAN WATER ACT COMPLIANCE MONITORING**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 33 USC 1314(h); CWA 304(h); 33 USC 1361(a); CWA 501(a)  
**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would highlight the flexibility already contained in the 600 and 1600 series of EPA Methods that are currently approved for Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. These methods typically contain a statement that, in recognition of advances that are occurring in analytical technology, and to allow the analyst to overcome sample matrix interferences, the analyst is permitted certain options to improve separations or lower the costs of measurements. These options include alternate extraction, concentration, cleanup procedures, and changes in columns and detectors. The methods further require the analyst to demonstrate that the method modifications will not adversely affect the quality of data by generating quality control results that meet the specifications contained in the method. Despite this stated flexibility, the Agency has found that many NPDES and pretreatment permitting authorities are not aware of this flexibility when issuing or enforcing NPDES and pretreatment permits. Therefore, this regulatory action will highlight the existing method flexibility and clarify EPA's position regarding its application. This action will also extend this flexibility to other methods currently approved under 40 CFR part 136. The purpose of extending this flexibility to other methods is to (1) increase consistency between methods, (2) provide for increased recognition of advances in analytical technology, and (3) reduce costs associated with analytical measurements.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3714

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**RIN:** 2040-AC92

**3387. TEST PROCEDURES: PERFORMANCE-BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)  
**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would establish the use of performance-based measurement procedures and guidance for use in Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would include guidance concerning the format, content, quality assurance/quality control, and data validation requirements for use of test methods. This regulatory action would also describe increased program guidance in the form of a clearinghouse, technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test methods approved for use in the program.

**Timetable:**

Action	Date
NPRM	03/28/97 62 FR 14975
Final Action	To Be Determined

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 3713

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**RIN:** 2040-AC93

**3388. TEST PROCEDURES FOR THE ANALYSIS OF MISCELLANEOUS METALS, ANIONS, AND VOLATILE ORGANICS UNDER THE CLEAN WATER ACT, PHASE ONE**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)  
**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new procedures for the analysis of miscellaneous metals, anions, and volatile organics under the Clean Water Act (CWA). These methods are used for implementing water quality based permits under the National Pollutant Discharge Elimination System (NPDES) of the CWA. This regulation would approve test procedures to be used in measuring this group of compounds under the NPDES Program unless the Regional Administrator approves an alternative procedure. EPA plans to segment the rulemaking into two phases to accommodate different amounts of data for the long list of compounds.

**Timetable:**

Action	Date
NPRM	10/18/95 60 FR 53988
Final Action	11/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3155

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**RIN:** 2040—AC95

### 3389. TEST PROCEDURES FOR THE ANALYSIS OF CO-PLANAR AND MONO-ORTHO-SUBSTITUTED POLYCHLORINATED BIPHENYLS (PCBS) UNDER THE CLEAN WATER ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h); 33 USC 1361(a)

**CFR Citation:** 40 CFR 136; 40 CFR 503

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR parts 136 and 503 to approve EPA Method 1668 for the congener-specific determination of co-planar and mono-ortho-substituted polychlorinated biphenyls (PCBs) in effluent, ambient water, and sludge. This method is necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's designated water quality standard. At present there is no EPA analytical method for determination of these PCBs at the levels of concern. Therefore, approval of a new EPA test procedure is necessary.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4049

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**RIN:** 2040—AD09

### 3390. TEST PROCEDURES FOR THE ANALYSIS OF MISCELLANEOUS METALS, ANIONS, AND VOLATILE ORGANICS UNDER THE CLEAN WATER ACT, PHASE TWO

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR Part 136 to approve new procedures for the analysis of miscellaneous metals, anions, and volatile organics under the Clean Water Act (CWA). These methods are used for implementing water quality based permits under the National Pollutant Discharge Elimination System (NPDES) of the CWA. This regulation would approve test procedures to be used in measuring this group of compounds under the NPDES unless the Regional Administrator approves an alternative procedure. This rulemaking would constitute the second of two segments of rulemaking initially proposed as one action.

**Timetable:**

Action	Date
NPRM	10/18/95 60 FR 53988
Final Action	11/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4089

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**RIN:** 2040—AD12

### 3391. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES - PHASE II

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1322; 33 USC 1361

**CFR Citation:** 40 CFR 1700

**Legal Deadline:** Final, Statutory, May 10, 2001.

**Abstract:** This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996 the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design and build environmentally sound vessels, to encourage innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as fire main); and some have the potential to introduce nonindigenous invasive

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aquatic species (such as ballast water). Phase II will establish performance standards for control devices for these 25 discharges. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

**Timetable:**

Action	Date
NPRM	01/00/05
Final Action	09/00/05

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4357

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**RIN:** 2040-AD39

### 3392. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311 CWA 301; 33 USC 1316 CWA 306; 33 USC 1326 CWA 316; 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

**Legal Deadline:** NPRM, Judicial, November 1, 2004.  
Final, Judicial, June 1, 2006.

**Abstract:** This rulemaking affects, at a minimum, existing facilities that use cooling water intake structures, and whose intake flow levels exceed a

minimum threshold EPA will determine during this rulemaking. The affected facilities include at a minimum, 1) electricity generating facilities not covered by Phase 2 regulations; 2) pulp and paper manufacturing facilities; 3) chemicals and allied products manufacturing facilities; 4) petroleum and coal products manufacturing facilities; 5) primary metals manufacturing facilities; and 6) oil and gas extraction facilities. Section 316(b) of the Clean Water Act provides that any standard established pursuant to sections 301 or 306 of the Clean Water Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. A primary purpose of this action is to minimize the impingement and entrainment of fish and other aquatic organisms by cooling water intake structures. Impingement refers to trapping fish and other aquatic life against cooling water intake structures. Entrainment occurs when aquatic organisms, eggs and larvae are drawn into the cooling system, through the heat exchanger, and then pumped back out with significant injury or mortality to the entrained organisms.

**Timetable:**

Action	Date
NPRM	11/00/04
Final Action	06/00/06

**Regulatory Flexibility Analysis Required:** Undetermined

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

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

**Additional Information:** SAN No. 4543

**Sectors Affected:** 211111 Crude Petroleum and Natural Gas Extraction; 211112 Natural Gas Liquid Extraction; 22111 Electric Power Generation; 21 Mining; 22133 Steam and Air-Conditioning Supply; 311 Food Manufacturing; 312 Beverage and Tobacco Product Manufacturing; 313 Textile Mills; 321 Wood Product Manufacturing; 322 Paper Manufacturing; 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing; 326 Plastics and Rubber Products Manufacturing; 327 Nonmetallic Mineral Product

Manufacturing; 331 Primary Metal Manufacturing; 332 Fabricated Metal Product Manufacturing; 333 Machinery Manufacturing; 334 Computer and Electronic Product Manufacturing; 335 Electrical Equipment, Appliance and Component Manufacturing; 336 Transportation Equipment Manufacturing; 61131 Colleges, Universities and Professional Schools

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**RIN:** 2040-AD70

### 3393. STREAMLINING THE GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

**Priority:** Other Significant

**Legal Authority:** 33 USC 1314 CWA 304; 33 USC 1317 CWA 307; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 403

**Legal Deadline:** None

**Abstract:** The final rule will be promulgated as a program streamlining activity. The rule will revise certain provisions in the General Pretreatment Regulations (40 CFR part 403) that address restrictions on and oversight of industrial discharges into Publicly Owned Treatment Works (POTWs). The final rule will include exclusions or variable requirements for smaller facilities that contribute insignificant amounts of pollutants, clarify requirements for implementing Pretreatment Standards, and provide more flexible reporting, inspection and sampling requirements. The revisions should provide greater flexibility, reduce burden, and achieve improved environmental results at less cost for regulatory authorities and the regulated community.

**Timetable:**

Action	Date
NPRM	07/22/99 64 FR 39564
Final Action	12/00/04

## EPA—Clean Water Act (CWA)

## Long-Term Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3663**Agency Contact:** Jan Pickrel, Environmental Protection Agency, Water, 4203M, Washington, DC 20460  
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Phone: 202 260-5586  
Email: smith.jeff@epa.gov**RIN:** 2040-AC58**3394. NPDES STREAMLINING RULE — ROUND III****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1311 CWA 301; 33 USC 1312 CWA 302; 33 USC 1314 CWA 304; 33 USC 1316 CWA 306; 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501**CFR Citation:** 40 CFR 122; 40 CFR 123; 40 CFR 124**Legal Deadline:** None**Abstract:** EPA plans to issue a rulemaking package to revise NPDES requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include adding additional permit modifications that can be considered minor modifications at 122.63, and changes to requirements concerning EPA's review of State permits. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities which implement the NPDES program or are regulated by it. This includes small businesses and State, tribal and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.**Timetable:**

Action	Date
NPRM	11/00/06
Final Action	08/00/07

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3786**Agency Contact:** Howard E. Rubin, Environmental Protection Agency, Water, 4203M, Washington, DC 20460  
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**RIN:** 2040-AC84**3395. CLEAN WATER ACT DEFINITION OF WATERS OF THE UNITED STATES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 33 USC 1361 CWA 501; 33 USC 1362 CWA 502**CFR Citation:** 33 CFR 328.3(a); 40 CFR 110.1; 40 CFR 112.2; 40 CFR 116.3; 40 CFR 117.1; 40 CFR 122.2; 40 CFR 230.3(s); 40 CFR 232.2; 40 CFR 257.3-1(d); 40 CFR 300, app E; 40 CFR 401.11(I)**Legal Deadline:** None**Abstract:** An Advance Notice of Proposed Rulemaking (ANPRM) on the Clean Water Act (CWA) regulatory definition of "waters of the United States" was published jointly by EPA and the Department of the Army on January 15, 2003. The ANPRM solicited public input on aspects of CWA regulatory jurisdiction that should be addressed in joint rulemaking to clarify the jurisdictional status under the CWA of isolated intrastate non-navigable wetlands and other waters. This action involves joint rulemaking by EPA and the Department of the Army to amend the regulatory definition of waters of the United States. The action would clarify the jurisdictional status under the Clean Water Act (CWA) of isolated intrastate non-navigable waters and wetlands. The existing regulations contain language asserting jurisdiction over isolated intrastate waters, but that regulatory provision has been the subject of a January 9, 2001, U.S. Supreme Court opinion, *Solid Waste Agency of Northern Cook County vs. U.S. Army Corps of Engineers* (SWANCC). In SWANCC, the Court

held that the scope of "waters of the United States" protected under the Clean Water Act did not extend to isolated intrastate non-navigable waters based solely on presence of migratory birds. While SWANCC did not actually invalidate regulations under the CWA, the decision does establish limitations on their use. Revision of the regulatory language is necessary to address the Court's decision, improve regulatory clarity, and provide more specificity regarding CWA jurisdiction. Among other things, the rulemaking would clarify CWA jurisdiction for entities (e.g., industrial, commercial, governmental) that discharge pollutants, including dredged or fill material, to isolated intrastate surface waters or wetlands. Small entities or state/local/tribal government might be affected by a change in regulatory definition of "waters of the United States," if they either are regulated under, or help administer, CWA programs affecting such waters (e.g., sections 402, 404, 311). Significant impacts on entities or such governments are not anticipated, as the proposed regulatory revisions would be consistent with the Supreme Court ruling.

**Timetable:**

Action	Date
ANPRM	01/15/03 68 FR 1991
NPRM	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 2804**Agency Contact:** Donna Downing, Environmental Protection Agency, Water, 4502T, Washington, DC 20460  
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## EPA—Clean Water Act (CWA)

## Long-Term Actions

**3396. CLEAN WATER STATE REVOLVING FUND REGULATION REVISIONS RE: USE AS MATCHING FUNDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1383(h)**CFR Citation:** 40 CFR 35.3125(b)(1)**Legal Deadline:** None

**Abstract:** This regulation will revise the Clean Water State Revolving Fund (CWSRF) Regulations to allow the use of loans from the non-Federal and non-State match share of CWSRF funds as a match for infrastructure grants. In 1990, EPA issued regulations implementing the CWSRF program, established as title VI of the Clean Water Act (CWA) in 1987. Section 603(h) of the CWA prohibits use of the CWSRF loan as matching funds with respect to the non-Federal share of the cost of a treatment works project for which a municipality or agency is receiving assistance from the Administrator under any other authority. In issuing its regulations at 40 CFR 35.3125(b)(1), EPA interpreted this prohibition broadly, applying the restriction to all treatment works construction. At that time, EPA believed the replacement of the construction grants program authorized by title II of the CWA by the CWSRF would result in a significant decrease in the use of other Federal grant funds for treatment works construction. However, from FY 1995 onward, Congress has authorized and appropriated funds for infrastructure construction grants in various Appropriations Acts. There are currently over 700 projects totaling over \$3.3 billion dollars. In several cases, EPA has been asked to allow CWSRF funds to be used as a match for these grants; but 40 CFR 35.3125(b)(1) prohibits such action. Upon reconsideration, EPA has decided its initial reading in 1990 was too broad,

and the intent of Congress was only to prohibit use of CWSRF loans as a match for title II construction grants. This action will revise the regulations to allow a State, in its operation of the CWSRF, to permit a CWSRF loan for non-title II infrastructure construction grant projects to be used as a non-federal match in certain circumstances. The prohibition on the use of CWSRF as a match for a title II construction grant will continue.

**Timetable:**

Action	Date
Direct Final Rule With Companion Proposal	To Be Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4493

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**RIN:** 2040-AD68**3397. • REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-554 sec 1404 to 1407**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** Title XIV: Certain Alaska Cruise Ship Operations (HR 4577) authorizes EPA to establish effluent standards for black and gray water from cruise ships into the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve. EPA will develop those standards based on the best available scientific information on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. The implementation of these regulations will reduce the environmental impacts of cruise ships operating in the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve.

**Timetable:**

Action	Date
NPRM	11/00/05
Final Action	11/00/07

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Federal**Additional Information:** SAN No. 4746

**Sectors Affected:** 483114 Coastal and Great Lakes Passenger Transportation; 483112 Deep Sea Passenger Transportation

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**RIN:** 2040-AD89**Environmental Protection Agency (EPA)  
Clean Water Act (CWA)****Completed Actions****3398. • OIL POLLUTION PREVENTION REGULATION: SPILL PREVENTION, CONTROL, AND COUNTERMEASURES (SPCC) EXTENSION****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1251 et seq**CFR Citation:** 40 CFR 112, sections 112.3(a) and (b)**Legal Deadline:** None

**Abstract:** This rulemaking involves extension of the compliance deadlines in 40 CFR 112.3(a) and (b). The rule

would extend the time in which an owner or operator had to amend (or, in some cases, prepare) and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan.

## EPA—Clean Water Act (CWA)

## Completed Actions

**Timetable:**

Action	Date
Final Action	04/17/03 68 FR 18890

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 2634.1

**Sectors Affected:** 623 Nursing and Residential Care Facilities; 2121 Coal Mining; 2123 Non-Metallic Mineral Mining and Quarrying; 213113 Support Activities for Coal Mining; 213114 Support Activities for Metal Mining; 2211 Electric Power Generation, Transmission and Distribution; 234 Heavy Construction; 324 Petroleum and Coal Products Manufacturing; 31-33 Manufacturing; 42271 Petroleum Bulk Stations and Terminals; 5321 Automotive Equipment Rental and Leasing; 454311 Heating Oil Dealers; 482 Rail Transportation; 6111 Elementary and Secondary Schools; 622 Hospitals; 483 Water Transportation; 484 Truck Transportation; 485 Transit and Ground Passenger Transportation; 486 Pipeline Transportation; 6112 Junior Colleges; 6113 Colleges, Universities and Professional Schools; 211111 Crude Petroleum and Natural Gas Extraction

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**RIN:** 2050-AF11**3399. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REGULATION AND EFFLUENT GUIDELINES AND STANDARDS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOS)****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 122.23; 40 CFR 412**Completed:**

Reason	Date
Final Action	02/12/03 68 FR 7125

**Regulatory Flexibility Analysis Required:** Yes**Government Levels Affected:** Federal, State, Local, Tribal

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**RIN:** 2040-AD19**3400. TEST PROCEDURES: CLEAN WATER ACT AND SAFE DRINKING WATER ACT METHODS UPDATE****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 136; 40 CFR 141; 40 CFR 143**Completed:**

Reason	Date
Final Action	10/23/02 67 FR 65220

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

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**RIN:** 2040-AD59**3401. TEST PROCEDURES FOR THE ANALYSIS OF MERCURY UNDER THE CLEAN WATER ACT (REVISIONS TO METHOD 1631)****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 136.3**Completed:**

Reason	Date
Final Action	10/29/02 67 FR 65876

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

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**RIN:** 2040-AD72**3402. TEST PROCEDURES: RULE TO REVISE AND TO RATIFY OR WITHDRAW WHOLE EFFLUENT TOXICITY TEST METHODS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 136.3**Completed:**

Reason	Date
Final Action	11/19/02 67 FR 69951

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

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**RIN:** 2040-AD73**3403. • NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM: MODIFICATION OF PERMIT DEADLINE FOR STORM WATER DISCHARGES FROM OIL AND GAS CONSTRUCTION ACTIVITY THAT DISTURBS ONE TO FIVE ACRES****Priority:** Substantive, Nonsignificant**Legal Authority:** CWA 402(p)(4)

## EPA—Clean Water Act (CWA)

## Completed Actions

**CFR Citation:** 40 CFR 122.26(e)(8)

**Legal Deadline:** None

**Abstract:** In developing the Phase II storm water regulations, EPA conducted analysis of the potential impacts of the regulation on the national economy and also analyzed impacts on small businesses. These impacts focused on implementation of sediment and erosion control practices or best management practices to reduce pollutants commonly associated with construction storm water discharges. In performing these analyses, EPA considered affected industrial sectors, including the oil and gas industry. EPA determined that few, if any, oil and gas exploration sites would be affected by Phase II and impacts on Phase II rule cost estimates were unlikely to be significant. Since January 2002, the oil and gas industry has provided information indicating that close to 30,000 oil and gas sites will be affected by the Phase II storm water regulations. In the spirit of Executive Order 13211, which directs EPA to consider the impact of its actions on energy-related production activities, the Agency believes it is important to review the economic analysis of the Phase II rule to determine the impact on the oil and gas industry. In evaluating the impact,

the Agency will work with states, industry, and other entities to gather and evaluate data on the development and use of appropriate best management practices for the oil and gas industry. EPA will also continue to review the scope and effect of 33 USC 1342(l)(2), relating to oil and gas exploration activities, and other provisions of the Clean Water Act. EPA extended the March 10, 2003, permit authorization deadline for Phase II oil and gas facilities to be covered by a storm water permit.

**Timetable:**

Action	Date
NPRM	12/30/02 67 FR 79827
Final Action	03/10/03 68 FR 11325

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4765

**URL For More Information:**

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**RIN:** 2040-AD98

**3404. WITHDRAWAL OF TOTAL MAXIMUM DAILY LOAD (TMDL) PROGRAM REVISIONS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 130

**Completed:**

Reason	Date
NPRM	12/27/02 67 FR 79200
Final Action	03/19/03 68 FR 13607

**Regulatory Flexibility Analysis**

**Required:** No

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

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**RIN:** 2040-AD84

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Safe Drinking Water Act (SDWA)

**3405. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE**

**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 300f; 42 USC 300g-1; 42 USC 300g-2; 42 USC 300g-3; 42 USC 300g-4; 42 USC 300g-5; 42 USC 300g-6; 42 USC 300j-4; 42 USC 300j-9; 42 USC 300j-11

**CFR Citation:** 40 CFR 141 to 142; 40 CFR 9

**Legal Deadline:** None

**Abstract:** The Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) will control risk from microbial pathogens in drinking water. It is being developed simultaneously with the Stage 2 Disinfectants and

Disinfection Byproducts Rule (DBPR) which will address risk caused by the use of disinfectants in drinking water. This rule could affect all public water systems that use surface water as a source. Promulgating the LT2ESWTR and the Stage 2 DBPR as a paired rulemaking is necessary to ensure that adequate protection from microbial risk is maintained while EPA manages risk from disinfection byproducts. In developing the LT2ESWTR, EPA will analyze a significant body of new survey data on microbial pathogens in source and finished waters, as well as data on parameters which could serve as indicators of microbial risk. This survey data, which was collected under the Information Collection Rule (ICR), Supplemental Surveys to the ICR, and additional research projects, will provide a substantially more comprehensive and complete picture of the occurrence of waterborne pathogens than was available previously. EPA will

also use significant new data on the efficiency of treatment processes for the removal and inactivation of microorganisms, as well as new information on the pathogenicity of certain pathogens, to determine effective regulatory requirements for controlling microbial risk. On March 30, 1999, EPA established a committee of stakeholders under the Federal Advisory Committee Act (FACA) to assist in the development of these rules and an agreement in principle was signed in September 2000 outlining the proposed rule options.

**Timetable:**

Action	Date
NPRM	06/00/03
Final Action	07/00/04

**Regulatory Flexibility Analysis**

**Required:** No

## EPA—Safe Drinking Water Act (SDWA)

## Proposed Rule Stage

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

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

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

**Additional Information:** SAN No. 4341

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD37

### 3406. NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE 2 DISINFECTION BYPRODUCTS RULE

**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 300f; 42 USC 300g-2; 42 USC 300g-3; 42 USC 300g-4; 42 USC 300g-5; 42 USC 300g-6; 42 USC 300j-4; 42 USC 300j-9; 42 USC 300j-11

**CFR Citation:** 40 CFR 141 to 142; 40 CFR 9

**Legal Deadline:** Final, Statutory, July 14, 2003.

**Abstract:** This Regulation, along with a Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) that will be promulgated simultaneously, is intended to expand existing public health protections and address concerns about risk trade-offs between pathogens and disinfection byproducts. This rule could affect all public water systems that add a disinfectant to the drinking water during any part of the treatment process although the impacts may be limited to community water systems (CWSs) and non-transient non-community water systems (NTNCWSs). Promulgating the LT2ESWTR and the

Stage 2 DBPR as a paired rulemaking is necessary to ensure that adequate protection from microbial risk is maintained while EPA manages risk from disinfection byproducts. In developing the Stage 2 DBPR, EPA will analyze a significant body of new survey data on source water quality parameters, treatment data and disinfection byproduct occurrence. This survey data, which was collected under the Information Collection Rule (ICR), Supplemental Surveys to the ICR, and additional research projects, will provide a substantially more comprehensive and complete picture of the occurrence of DBPs and microbiological pathogens than was available previously. EPA will also use new information on the health effects of exposure to DBPs to determine effective regulatory requirements for controlling risk. On March 30, 1999, EPA reconvened a committee of stakeholders under the Federal Advisory Committee Act (FACA) to assist in the development of these rules and an Agreement in Principle was signed in September 2000 outlining the proposed rule options.

#### Timetable:

Action	Date
NPRM	07/00/03
Final Action	07/00/04

#### Regulatory Flexibility Analysis Required: No

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

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

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

**Additional Information:** SAN No. 4342

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD38

### 3407. DRINKING WATER CONTAMINANT CANDIDATE LIST 2

**Priority:** Routine and Frequent

**Legal Authority:** 42 USC 300f et seq; SDWA1412(b)(1)(B)

**CFR Citation:** None

**Legal Deadline:** Final, Statutory, February 6, 2003, 1 to 5 years after CCL.

**Abstract:** This action is to develop the Second Drinking Water Contaminant Candidate List (CCL2). To meet the Safe Drinking Water Act (SDWA) requirements under section 1412(b)(1)(B)(i), as amended in 1996, EPA will publish a list of contaminants that are known or anticipated to occur in public water systems which may require regulation under the SDWA. In developing this list of contaminants, that are not currently subject to any proposed or promulgated NPDWRs, EPA must consult with the SAB, provide an opportunity for public comments, consider the National Contaminant Occurrence Database (developed under SDWA section 1445(g)), consider contaminants referred to in section 101(4) of CERCLA, and substances registered as pesticides under FIFRA. Similar to CCL1, the CCL2 will be based on readily available occurrence and health effects information and evaluated by EPA. SDWA required the first CCL to be published 18 months after the date of enactment (2/98), and a new CCL every 5 years thereafter. The methods used to develop the CCL are described in the Federal Register (62 FR 52193). To respond to comments received on the draft drinking water CCL, the Agency requested assistance from the National Research Council (NRC) for guidance on methods and processes to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for the future CCLs. The details of the NRC recommendation are available in the report entitled "Classifying Drinking Water Contaminants for Regulatory Considerations." The NRC recommendations are being evaluated by a National Drinking Water Advisory Council Work Group and the results of this parallel effort will be used for future CCLs.

#### Timetable:

Action	Date
Preliminary Notice Announcement	06/00/03

## EPA—Safe Drinking Water Act (SDWA)

## Proposed Rule Stage

**Action**  
Final Notice

**Date**  
10/00/03

Announcement of  
CCL

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4703

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**RIN:** 2060-AD86

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Safe Drinking Water Act (SDWA)

**3408. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUND WATER RULE**

**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 300g-1; SDWA 1412(b)(8)

**CFR Citation:** 40 CFR 141; 40 CFR 400 to 406; 40 CFR 142 14 to 16 (Revision)

**Legal Deadline:** Other, Statutory, Not later than promulgation of the Stage 2 Disinfection Byproducts Rule (currently scheduled for October 2004).

**Abstract:** EPA has proposed a targeted risk-based regulatory strategy for all public water systems served by ground water. The proposed requirements provide a meaningful opportunity to reduce public health risk associated with the consumption of waterborne pathogens from fecal contamination for a substantial number of people served by ground water sources. The proposed strategy addresses risks through a multiple-barrier approach that relies on five major components: periodic sanitary surveys of ground water systems requiring the evaluation of eight elements and the identification of significant deficiencies; hydrogeologic assessments to identify wells sensitive to fecal contamination; source water monitoring for systems drawing from sensitive wells without treatment or with other indications of risk; a requirement for correction of significant deficiencies and fecal contamination through the following actions: eliminate the source of contamination, correct the significant deficiency, provide an alternative source water, or provide a treatment which achieves at least 99.99 percent (4-log) inactivation or removal of viruses, and compliance monitoring

to insure disinfection treatment is reliably operated where it is used.

**Timetable:**

Action	Date
NPRM	05/10/00 65 FR 30194
Final Action	12/00/03

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

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

**Additional Information:** SAN No. 2340

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AA97

**3409. DRINKING WATER: REGULATORY DETERMINATIONS REGARDING CONTAMINANTS ON THE DRINKING WATER CONTAMINANT CANDIDATE LIST**

**Priority:** Other Significant

**Legal Authority:** 42 USC 300f et seq;  
SDWA1412(b)(1)(B)

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, August 6, 2001, Final Regulatory Determination.

**Abstract:** The 1996 amendments to the Safe Drinking Water Act (SDWA) requires EPA to publish a list of non-regulated contaminants every five years, which may warrant regulation due to their health effects and their potential for occurrence in public water systems (PWSs). The first list, called the Contaminant Candidate List (CCL), was published in the Federal Register on March 2, 1998 (63 FR 10274). When establishing the 1998 CCL, EPA divided the contaminants among three main categories: 1) contaminants which are priorities for additional research; 2) contaminants which need additional occurrence data; and 3) contaminants which are priorities for consideration for rulemaking. These contaminants are collectively referred to as the Regulatory Determination Priority contaminants. In addition to publishing the drinking water CCL, the SDWA also requires the Agency to select five or more contaminants from the CCL and determine, by August 2001, whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). The Regulatory Determination Priority category is the list of contaminants from which the Agency will determine whether or not regulations are necessary. There are currently nine contaminants that have sufficient scientific information to make regulatory determinations: Acanthamoeba; Aldrin; Dieldrin; Hexachlorobutadiene; Manganese; Metribuzin; Naphthalene; Sodium; and Sulfate. In order make a decision whether or not to develop a NPDWR for a contaminant, the SDWA requires three statutory tests be met: 1) the contaminant may have an adverse effect on the health of persons; 2) the contaminant is known to occur or there

## EPA—Safe Drinking Water Act (SDWA)

## Final Rule Stage

is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and 3) in the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems. Using these three statutory tests to make regulatory decisions, there are three possible outcomes: 1) regulate the contaminant with a NPDWR; 2) develop guidance (e.g. Health or Consumer Advisory); or 3) determine no action is necessary.

**Timetable:**

Action	Date
Notice of Preliminary Regulatory Determinations	06/03/02 67 FR 38222
Notice of Final Regulatory Determinations	05/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4447

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040-AD61

**3410. SIX-YEAR REVIEW OF EXISTING NATIONAL PRIMARY DRINKING WATER REGULATIONS**

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

CFR Citation: None

**Legal Deadline:** Other, Statutory, August 6, 2002, Complete review for contaminants with NPDWRs promulgated prior to August 1996.

**Abstract:** The Safe Drinking Water Act (SDWA) requires EPA to review and revise, if appropriate, all National Primary Drinking Water Regulations (NPDWRs) no less frequently than once every six years. According to SDWA, any revisions of drinking water regulations must maintain, or increase, the level of public health protection provided; however, EPA may identify regulation changes that will streamline or reduce existing requirements without lessening the level of public health protection. As a part of this action, EPA will do two things: (1) develop an overall protocol for conducting each six year review; and (2) review 69 NPDWRs published prior to 1996. The remaining NPDWRs published prior to 1996 (e.g., arsenic, radionuclides, most microbiological NPDWRs) have been, or are being, reviewed in the context of recent or ongoing rulemakings. No new requirements will be imposed by this action. The purpose of the review is to determine whether new data, technology, or other factors exist that justify revisions to existing NPDWRs. The outcome of each review will be a Federal Register notice making

available the results of the Agency's review and a planned rulemaking schedule for the regulations that the Agency believes are appropriate candidates for revision at that time. EPA may decide that any of the following need to be revised: maximum contaminant level goals, maximum contaminant levels, analytical methods, monitoring, treatment, recordkeeping and reporting requirements. EPA plans extensive stakeholder outreach and consultation in the development of the protocol and throughout the review process.

**Timetable:**

Action	Date
Notice of Preliminary Decision	04/17/02 67 FR 19030
Notice of Final Decision	05/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4424

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040-AD67

## Environmental Protection Agency (EPA)

## Long-Term Actions

## Safe Drinking Water Act (SDWA)

**3411. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON**

Priority: Economically Significant.  
Major under 5 USC 801.

**Unfunded Mandates:** This action may affect State, local or tribal governments.

**Legal Authority:** 42 USC 300f et seq; SDWA 1412

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** Other, Statutory, February 6, 1999, Publish radon health risk reduction and cost analysis. NPRM, Statutory, August 6, 1999. Final, Statutory, November 2, 2000.

**Abstract:** EPA proposed regulations for radon in drinking water which provide flexibility in how to manage the health risks from radon, in both drinking water and in indoor air. States and systems would be able to focus their efforts on the highest radon risks to the

public - in indoor air - while reducing the highest risks from radon in drinking water. The proposal was based on the unique framework in the 1996 Safe Drinking Water Act (SDWA). The proposed regulation would provide two options to states and water systems for reducing public health risks from radon. Under the first option, states may choose to develop enhanced state programs to address the health risks from indoor radon while water systems

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

reduce radon levels in drinking water to at or below the higher, alternative maximum contaminant level MCL proposed at 4,000 pCi/L (picoCuries per liter, a standard unit of radiation). EPA is encouraging the states to adopt this approach as the most cost-effective way to achieve the greatest radon risk reduction. If a state does not elect this option, the second option would require water systems in that state to either reduce radon in drinking water levels to the MCL of 300 pCi/L, or to develop a local indoor radon program and reduce levels in drinking water to 4000 pCi/L.

**Timetable:**

Action	Date
ANPRM	09/30/86 51 FR 34836
NPRM	07/18/91 56 FR 33050
Notice	02/26/99 64 FR 9560
NPRM	11/02/99 64 FR 59245
Notice	06/23/00 65 FR 39113
Final Action	12/00/04

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

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

**Additional Information:** SAN No. 2281

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AA94

**3412. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

**Timetable:**

Action	Date
NPRM	08/00/04
Final Action	08/00/05

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3238

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC13

**3413. NATIONAL SECONDARY DRINKING WATER REGULATIONS (NSDWR): METHYL TERTIARY BUTYL ETHER (MTBE) AND TECHNICAL CORRECTIONS TO THE NSDWR**

**Priority:** Other Significant

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 143 (Revision)

**Legal Deadline:** None

**Abstract:** Methyl tertiary butyl ether (MTBE) is a fuel additive used primarily to increase the oxygen content in gasoline. It has been used

in increasing quantity in the 1990s to meet the requirements of the Federal Reformulated Gasoline (FRG) and Oxyfuels programs required by the Clean Air Act Amendments of 1990. Although the use of MTBE in gasoline has helped to reduce harmful air emissions, it is being detected in groundwater and surface water throughout the country. In some instances the affected waters are drinking water sources. At relatively low levels, MTBE's taste and odor can make drinking water supplies unacceptable to consumers. In this action, EPA is proposing a secondary standard for MTBE, which would provide guidance for taste and odor acceptability and to protect the public welfare.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4404

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD54

**3414. • NATIONAL PRIMARY AND SECONDARY DRINKING WATER REGULATIONS: APPROVAL OF ADDITIONAL METHOD FOR THE DETECTION OF COLIFORMS AND E. COLI. IN DRINKING WATER**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300f; 42 USC 300g1-6; 42 USC 300j-9; 42 USC 300j-11

**CFR Citation:** 40 CFR 141.21

**Legal Deadline:** None

**Abstract:** The Office of Water will revise the National Primary and Secondary Drinking Water Regulations to approve the Colitag Method for the detection of coliforms and E. Coli. in finished drinking water. This promulgation adds an additional analytical method to part 141 to

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

monitor for total coliforms and E. Coli in finished drinking water, for which other methods have been approved previously. It does not withdraw any currently approved methods, nor does it add nor alter any current monitoring requirement. This rule provides the ability to use an additional standardized method, offering water systems and their laboratories further operational flexibility. On March 7, 2002, EPA published "Unregulated Contaminant Monitoring Regulation: Approval of Analytical Method for Aeromonas; National Primary and Secondary Drinking Water Regulations: Approval of Analytical Methods for Chemical and Microbiological Contaminants; Proposed Rule." In this proposed rule, EPA sought comments on the proposed promulgation of multiple industry-developed methods, one of which was the Colitag method, a "Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations." This method was proposed for the analysis of total coliforms and E. coli in finished drinking water samples. EPA has since received additional information from CPI International, developers of Colitag, relevant to the performance of the method. Such information included additional data as well as a re-evaluation of previously reported data included in the public record that supported the proposed approval of Colitag. On December 2, 2002, EPA invited public comments on this additional information in "Notice of Data Availability; National Primary and Secondary Drinking Water Regulations: Approval of Analytical Methods for Chemical and Microbiological Contaminants; Additional Information on the Colitag Method.

**Timetable:**

Action	Date
NPRM	03/07/02 67 FR 10532
NODA	12/02/02 67 FR 71520
Final Action	To Be Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4769

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RIN: 2040-AD90

**3415. • NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND ADDITIONAL DISTRIBUTION SYSTEM REQUIREMENTS**

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

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

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** EPA will review and revise the Total Coliform Rule (TCR) as part of the 6-year review required by the 1996 SDWA Amendments. EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR. A Federal Advisory Committee recommended that EPA, as part of the TCR 6-year review process, "initiate a process for addressing cross-connection control and backflow prevention requirements and consider additional distribution system requirements related to significant health risks." The TCR, promulgated in 1989, protects human health by requiring microbial monitoring in drinking water distribution systems. The TCR does not include distribution system corrective or protective requirements to reduce contamination from coliforms and other contaminants. EPA has gained a better understanding of distribution system impacts on human health and, therefore, is considering strengthening the TCR by adding distribution system requirements.

**Timetable:**

Action	Date
NPRM	06/00/06
Final Action	06/00/08

**Regulatory Flexibility Analysis**

Required: Yes

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4775

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RIN: 2040-AD94

**3416. • DRINKING WATER CONTAMINANT CANDIDATE LIST 3**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300g-1(b)

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, February 28, 2008, The 1996 SDWA Amendments require EPA to publish the third list of candidate contaminants by February 2008. Not a rulemaking.

**Abstract:** The Safe Drinking Water Act (SDWA) as amended in 1996 requires EPA to publish a list of contaminants that are known or anticipated to occur in public water systems, and which may require regulation under the SDWA every five years. The purpose of this action is to prepare and publish the third Contaminant Candidate List (CCL). In preparing the third list, EPA will evaluate the classification approach recommended by the National Academy of Sciences' National Research Council (NRC) and, if possible, use the NRC approach to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for future CCLs. If we identify additional contaminants prior to 2006, we will consider those contaminants in the regulatory determinations for 2006.

**Timetable:**

Action	Date
Preliminary Notice	01/00/08

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4745**Agency Contact:** Thomas Carpenter, Environmental Protection Agency, Water, 4607M, Washington, DC 20460  
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**RIN:** 2040-AD99**3417. UNDERGROUND INJECTION CONTROL: UPDATE OF STATE PROGRAMS****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 300h-1SDWA 1422; 42 USC 300h-4SDWA 1425**CFR Citation:** 40 CFR 147 (Revision)**Legal Deadline:** None

**Abstract:** EPA provides a place in part 147 of its UIC regulations where all the State UIC programs are summarized. Included in this summarization are all the authorities and regulations used by the States to implement the UIC program, as well as all other documents that are relevant to the program. The primary reason for this is to provide one place where all the UIC programs nationwide are presented. A second reason, more importantly, is to allow EPA to incorporate by reference into the Code of Federal Regulations the State program authorities. Current citations to State regulations in 40 CFR part 147 are out of date for many States. This update is necessary to

ensure that the CFR accurately reflects current approved State UIC programs and that elements of those programs are Federally enforceable if necessary. EPA Regional Offices will be submitting State revision packages as they are completed. Part 147 will then be updated in several stages. This is the first stage. This effort should have no impact on the regulated community because we will merely be incorporating by reference elements of already effective State programs.

**Timetable:**

Action	Date
Direct Final Rule	To Be Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4236**Agency Contact:** Mario Salazar, Environmental Protection Agency, Water, 4606M, Washington, DC 20460  
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**Legal Deadline:** Other, Statutory, August 6, 2004, This statute (SDWA) requires EPA to publish a list. SDWA does not require a regulation nor does it set a deadline.

**Abstract:** The 1996 amendments to the Safe Drinking Water Act require the Agency to publish, every 5 years, a revised listing of the contaminants to be monitored under the UCMR. The purpose of this proposed action is to meet that requirement by revising the National Primary Drinking Water Regulations for the UCMR to: provide minor modifications to the current UCMR program to improve its implementation; to revise the lists of analytes to permit a second round of monitoring; and to approve the analytical methods needed to perform this monitoring.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4770**Agency Contact:** David J. Munch, Environmental Protection Agency, Water, MS140, Cincinnati, OH 45268  
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**Environmental Protection Agency (EPA)**  
**Safe Drinking Water Act (SDWA)**
**Completed Actions**
**3419. UNREGULATED CONTAMINANT MONITORING REGULATION: ANALYTICAL METHOD FOR AEROMONAS & NATIONAL PRIMARY & SECONDARY DRINKING WATER REGULATIONS: ANALYTICAL METHODS FOR CHEMICAL & MICROBIOLOGICAL CONTAMINANTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 141.40

**Completed:**

Reason	Date
Final Action	10/29/02 67 FR 65888

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 2040-AD81

**3420. • NATIONAL PRIMARY DRINKING WATER REGULATIONS: MINOR REVISION TO CLARIFY ARSENIC STANDARD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300 et seq; SDWA 1412

**CFR Citation:** 40 CFR 141.23(a)(4)(i); 40 CFR 141.23(k)(1); 40 CFR 141.62(b); 40 CFR 141.154(b); 40 CFR 141.154(f)

**Legal Deadline:** None

**Abstract:** This rule proposes to revise the rule text establishing a 10 ppb arsenic drinking water standard (66 FR 6976, January 22, 2001) to express the standard as 0.010 mg/L (10 ppb) instead of 0.01 mg/L in response to issues raised in implementation of the rule. While EPA believes that the existing rule clearly establishes 10 ppb as the new standard, EPA believes that an amendment is appropriate to resolve concern about the use of significant figures to round all compliance results to the nearest 0.001 mg/L (1 ppb).

**Timetable:**

Action	Date
NPRM	12/23/02 67 FR 78203
Final Action	03/25/03 68 FR 14502

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4764

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**RIN:** 2040-AD91

**3421. MINOR REVISIONS TO THE PUBLIC NOTIFICATION RULE, CONSUMER CONFIDENCE REPORT RULE, AND PRIMACY RULE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Completed:**

Reason	Date
Final Action	11/27/02 67 FR 70850

**Regulatory Flexibility Analysis Required:** No

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

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**RIN:** 2040-AD77

**Environmental Protection Agency (EPA)**  
**Shore Protection Act (SPA)**
**Long-Term Actions**
**3422. SHORE PROTECTION ACT, SECTION 4103(B) REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2601 Shore Protection Act of 1988; PL 100-688 4103(b)

**CFR Citation:** 40 CFR 237

**Legal Deadline:** None

**Abstract:** This rule will implement the Shore Protection Act (SPA) and is designed to prevent the deposit of municipal and commercial waste into U.S. Coastal Waters. This rule establishes minimum waste handling practices for vessels and waste handling facilities involved in the transport of municipal or commercial wastes in the coastal waters of the United States. The rule may require certain vessels and waste handling facilities to develop an operation and maintenance manual that identifies

procedures to prevent, report, and clean up deposits of waste into coastal waters. Local governments and businesses involved with the vessel transportation and shore side handling of these wastes would be affected by this rule. Currently no tribes are known to be involved in waste handling of this type; therefore none would be affected by this rule. In regards to small businesses, EPA has provided guidance on development of operation and maintenance manuals and encourages the use and documentation of existing industry practices that meet or exceed the EPA proposed minimum waste handling standards. All indications are that this regulation as proposed would have a minimal economic impact. This regulation will result in reduction of municipal and commercial wastes deposited in coastal waters.

**Timetable:**

Action	Date
NPRM	08/30/94 59 FR 44798
Final Action	08/00/05

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** Local

**Additional Information:** SAN No. 2820

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**EPA—Shore Protection Act (SPA)**

**Long-Term Actions**

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**RIN:** 2040-AB85

[FR Doc. 03-10367 Filed 5-23-03; 8:45 am]

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