



# Federal Register

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**Monday,  
May 14, 2001**

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**Part XXII**

**Environmental  
Protection Agency**

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**Semiannual Regulatory Agenda**

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**ENVIRONMENTAL PROTECTION AGENCY (EPA)**


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**ENVIRONMENTAL PROTECTION AGENCY (EPA)**
**40 CFR Ch. I**
**FRL-6958-4**
**April 2001 Agenda of Regulatory and Deregulatory Actions**
**AGENCY:** Environmental Protection Agency.

**ACTION:** Semiannual regulatory agenda.

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**SUMMARY:** The Environmental Protection Agency (EPA) publishes the Semiannual Agenda of Regulatory and Deregulatory Actions 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:**

Starting with the October 2001 edition we will resume free distribution of the Agenda. If you would like to subscribe, please contact: Janice Ndunguru (1806A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; phone: (202) 564-6572; e-mail: ndunguru.janice@epa.gov.

**FOR FURTHER INFORMATION CONTACT:** If you have questions or comments about a particular rule, please get in touch with the agency contact listed for that rule. If you have general questions about the Agenda or about EPA's decisionmaking process, please contact: Phil Schwartz (1806A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; phone: (202) 564-6564; e-mail: schwartz.philip@epa.gov. We welcome your suggestions on how we can make the Agenda more useful to you and easier to use.

**SUPPLEMENTARY INFORMATION:**
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**A. The Transition of Administrations and the Status of EPA's Rulemakings**

The regulations listed in this agenda are required by law or are necessary to interpret the law. While this is the first regulatory agenda of the Bush Administration, the timing is such that our efforts won't be fully reflected in the agenda until the October edition.

**B. What Principles and Objectives Guide EPA in Developing Regulations?**

The quality of the science, economic, and policy analysis that underlie EPA regulations is vital to the credibility of EPA decisions and ultimately our effectiveness in protecting human health and the environment. Additionally, continued testing and adoption of new environmental protection methods must be a central tenet in environmental problem solving. A well managed regulatory process and a strong commitment to innovative solutions will ensure that the significant environmental improvements that we all want to achieve are cost-effective, fair and fully protective.

Much of the success over the last 31 years and seven administrations in cleaning up the Nation's water, air, and land is attributable to the system of Federal and State regulation that has directed and coordinated private investment in pollution control and prevention. While regulation will remain an important tool to implement environmental policy, it is not the only one. Instead, EPA must increasingly act as an innovator, educator, and leader in administering a broad set of new tools — including new methods to design and administer regulations — that engage all segments of our society in responsive behaviors that protect the environment while promoting appropriate economic growth. For example, we have worked with businesses and community leaders to develop more than 40 voluntary partnership programs to help achieve environmental objectives with the greatest possible efficiency. For more

information about these programs visit: [www.epa.gov/partners](http://www.epa.gov/partners).

EPA's regulatory process must ensure that the Nation's environmental protection system produces the best outcomes at an acceptable cost, where cost considerations are appropriate. Appropriate scientific, economic and policy analyses must be planned at early stages in the regulatory development process so that senior Agency decision makers understand the benefits and costs of policy options from which to choose. Additionally, it is important that we continue to apply new methods to protect the environment—by building flexibility into regulations up front, through nonregulatory approaches where effective, by creating strong partnerships with States, and by vigorously using public outreach and involvement.

The basic legal requirements we must follow when we issue a regulation generally are contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act. You can find information on many of these statutes at <http://www.law.cornell.edu/uscode/>.

We also must meet a number of requirements contained in Executive orders. Of particular significance for EPA rulemakings are Executive Orders 12866 (Regulatory Planning and Review), 13045 (Children's Health Protection), 13175 (Consultation and Coordination with Indian Tribal Governments), and 13132 (Federalism). You can find information on these and other Executive orders at <http://www.nara.gov/fedreg/eo.html>.

**C. How Does EPA Develop Rules and Policies and How Can You Participate?**

You may participate by contacting the expert responsible for developing a particular rule. You may also participate by commenting on proposed rules that we publish in the **Federal Register**. Once we have proposed a rule, we will consider your comments and address them before issuing a final rule. To be most effective, comments should contain information and data that support your position, and you also should explain why we should

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incorporate your suggestion in the final rule. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

The agenda also includes some of our more important guidance documents which reflect EPA's thinking in major policy areas. We invite you to take part in developing these documents.

For a detailed description of our rule and policy development process request a copy of "Initiation of EPA's New Regulatory and Policy Development Process" from Janice Ndunguru at 1200 Pennsylvania Avenue NW., Washington, DC 20460; e-mail: ndunguru.janice@epa.gov; phone: (202) 564-6572.

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

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

- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from the New Source Performance Standards source categories list; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes.
- Under the Federal Insecticide, Fungicide, and Rodenticide Act: Actions regarding pesticide tolerances and food additive regulations; decision documents defining and establishing registration standards; decision documents and termination decisions for the Special Review Registration process; and data call-in requests made under section 3(c)(2)(B).
- Under the Resource Conservation and Recovery Act: Authorization of State solid waste management plans; hazardous waste delisting petitions.
- Under the Clean Water Act: State Water Quality Standards; Deletions from the section 307(a) list of toxic pollutants; Suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); Delegations of NPDES authority to States.
- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

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

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

We have organized the agenda:

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

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

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

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

1. Prerulemakings - Prerulemaking actions are intended to determine whether EPA should initiate rulemaking. Prerulemakings may

include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.

2. Proposed Rules - This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rules - This section includes rules that are within a year of final promulgation.
4. Long-Term Actions - This section includes rulemakings for which the next scheduled regulatory action is after March 2002.
5. Completed Actions - This section contains actions that have been promulgated and published in the **Federal Register** since publication of the October 2000 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.

#### 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 haven't appeared in previous Agendas) are preceded by a bullet (•). The notation "Section 610 Review" follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610).

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

*Economically Significant:* As defined in Executive Order 12866, a rulemaking action that will have an annual effect on

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the economy of \$100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. OMB reviews all economically significant rules under Executive Order 12866.

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

- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients; or
- Raise novel legal or policy issues.

**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 multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

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

Also, if we believe that a rule may be "major" as defined in the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (SBREFA) (5 U.S.C. 801; Public Law 104-121) because it is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in this law, we indicate this under the "Priority" heading with the statement "Major under 5 U.S.C. 801."

**Legal Authority:** The sections of the United States Code (U.S.C.), Public Law

(P.L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

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

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

**Abstract:** A brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, the alternatives that the agency is considering to address the problem; and the potential advantages and disadvantages of the action.

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

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

**Small Entities Affected:** Indicates whether we expect the rule to have any effect on small entities.

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

**Federalism Implications:** Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government.

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

**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.

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

**G. What Tools Are Available To Help Quickly Identify Rules That Are of Interest to You?**

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

**For Rules That Directly Affect a Particular Industry:** See Appendix F "Subject Index to the Unified Agenda."

If you have access to the Internet, you can use the EPA Regulatory Agenda search engine which is located in the Small Business Regulatory Library section of the EPA Web site at [www.epa.gov/regagenda](http://www.epa.gov/regagenda). Click on "Search Regulatory Action Database" and then "Access the Database". This tool can be used to search all Agenda entries by keyword and we invite everyone to use it. The GPO also has a search engine which is located at .

**For Rules With Economic Impacts Over \$100 Million:** EPA is developing 21 rules that are expected to have annualized economic impacts of more than \$100 million.

Number	Rules that are expected to have annualized economic impacts over \$100 million	RIN
1	National Primary Drinking Water Regulations: Radon .....	2040-AA94
2	National Primary Drinking Water Regulations: Groundwater Rule .....	2040-AA97

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Number	Rules that are expected to have annualized economic impacts over \$100 million	RIN
3	National Primary Drinking Water Regulations: Arsenic and Clarifications to Compliance and New Source Compliance Monitoring .....	2040-AB75
4	Effluent Guidelines and Standards for the Metal Products and Machinery Category, Phases 1 and 2 .....	2040-AB79
5	Revisions to NPDES Requirements for Municipal Sanitary Sewer Collection Systems .....	2040-AD02
6	Effluent Guidelines and Standards for Feedlots Point Source Category, and NPDES Regulation for Concentrated Animal Feeding Operations .....	2040-AD19
7	National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule .....	2040-AD37
8	National Primary Drinking Water Regulations: Stage 2 Disinfectants/Disinfection Byproducts Rule .....	2040-AD38
9	Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities .....	2050-AB80
10	Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers ...	2050-AE81
11	Standards for the Management of Coal Combustion Wastes — Non-Power Producers and Minefilling .....	2050-AE83
12	NESHAP: Plywood and Composite Wood Products .....	2060-AG52
13	NESHAP: Reciprocating Internal Combustion Engine .....	2060-AG63
14	NESHAP: Combustion Turbine .....	2060-AG67
15	NESHAP: Industrial, Commercial and Institutional Boilers and Process Heaters .....	2060-AG69
16	NESHAP: Automobile and Light-Duty Truck Manufacturing (Surface Coating) .....	2060-AG99
17	Phase I Federal Implementation Plans (FIPs) To Reduce the Regional Transport of Ozone in the Eastern United States .....	2060-AH87
18	Control of Emissions from Nonroad Large Spark Ignition Engines, Recreational Engines (Marine and Land-based), and Highway Motorcycles .....	2060-AI11
19	Review of the National Ambient Air Quality Standards for Particulate Matter .....	2060-AI44
20	Interstate Ozone Transport: Rulemaking on Section 126 Petitions from the District of Columbia, Delaware, Maryland, and New Jersey .....	2060-AI99
21	Rulemakings for the Purpose of Reducing Interstate Ozone Transport .....	2060-AJ20

#### For Rules With Impacts on Small Businesses, Small Governments, and Small Organizations:

Go to Appendix B following this Agenda for the lists of the rules that we expect may have a significant impact on a substantial number of small entities. These lists are also available on the Internet. The small businesses list is at <http://ciir.cs.umass.edu/ua/April2001/entities/sm—index-2.html>. The small governments list is at <http://ciir.cs.umass.edu/ua/April2001/entities/sm—index-3.html>. And the small organizations list is at <http://ciir.cs.umass.edu/ua/April2001/entities/sm—index-4.html>.

#### For Rules That We Expect Will Have Some Impact on Some Small Entities but Less Than a Significant Impact on a Substantial Number of Them:

See Appendix C following this Agenda, “Index to Entries That May Affect Small Entities When a Regulatory Flexibility Analysis Is Not Required.” This list is available on the Internet at <http://ciir.cs.umass.edu/ua/April2001/entities/smgov-5.html>.

For Rules With Impacts on State, Local, or Tribal Governments, or Other Federal Agencies:

See Appendix D following this Agenda, “Index to Entries That May Affect Government Levels.” This list is

available on the Internet at <http://ciir.cs.umass.edu/ua/April2001/entities/smgov-8.html>.

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

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

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

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

- The Government Printing Office site has a number of databases online including the Unified Agenda and the **Federal Register** going back to 1994. This site is the official source for the electronic **Federal Register**. It provides public access via telnet, Internet, and dial-up connection and is located at <http://www.access.gpo.gov/su—docs/aces/aaces002.html>.
- EPA’s site (<http://www.epa.gov/fedrgstr/>) has environmental rules issued by EPA and other Federal agencies dating back to October 1994 and lets you search by date, page citation or keyword. It includes links to the Regulatory Information Service Center and Government Printing Office sites. We also have a Regulatory Agenda search engine at: <http://www.epa/regagenda>. To use, first select “Search Regulatory Action Database” and then select “Access the Database”.
- The Regulatory Information Service Center of the General Services Administration maintains a site to help users who want to find information about Federal, State, and local regulations at <http://www.reginfo.gov/>. This site includes links to all agencies’

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regulatory agendas and regulatory plans going back to October 1995.

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

### **I. What Special Attention Do We Give to the Impacts of Rules on Small Entities?**

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.

### **For Rules Under Development Expected To Have Some Impact on Small Entities, but Not a Significant Impact on a Substantial Number**

In the "Small Entities Affected" section, we indicate whether we expect an action will have an impact on small businesses, governments, or nonprofit organizations, but one which is less than a significant impact on a substantial number. In Appendix C at the end of the Agenda, we list all actions that we believe will not have a significant impact on a substantial number of small entities but which will have some impact on small entities.

### **Regulatory Flexibility Act Considerations: For Rules That May Have a Significant Impact on a Substantial Number of Small Entities**

The Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) requires that we pay particular attention to the impact of regulations on small entities (i.e., small businesses, small governmental jurisdictions, and small nonprofit organizations). The RFA/SBREFA applies to rules we are now developing and requires us to carry out particular procedures under certain circumstances. We have developed a Web site to provide detailed information on EPA's activities related to RFA/SBREFA

([www.epa.gov/sbrefa](http://www.epa.gov/sbrefa)) and some of that information is summarized below:

1. Convene a Small Business Advocacy Review (SBAR) Panel prior to proposing any rule subject to notice-and-comment requirements unless the Agency certifies the rule will not have a significant economic impact on a substantial number of small entities (RFA section 609). SBREFA also established the EPA's Small Business Advocacy Chair who chairs each SBAR Panel. A SBAR Panel has four members: The Chair, the Chief Counsel for Advocacy of the Small Business Administration, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, and a senior manager from the EPA program office responsible for the subject rule. In the case of rules requiring a SBAR Panel, the Agency's small entity outreach prior to the convening of a Panel culminates in the development of a summary document that contains information on the potential impact of a proposed rule on small entities, and particularly on the issues referenced in RFA section 609. This summary serves as the basis for convening the Panel. The Panel then conducts its review, carries out its own small entity outreach, and prepares a report based on the comments from the small entity representatives and the Panel's deliberations. The Panel's final report is provided to the EPA Administrator and is made a part of the rulemaking record. Rules listed in the second appendix at the end of the Agenda may require Small Business Advocacy Review Panels.
2. At the proposed and final rule stages of rule development, the Agency must prepare a regulatory flexibility analysis for any rule subject to notice and comment rulemaking requirements (RFA sections 603 and 604), unless the Administrator certifies that the rule will not have a "significant economic impact on a substantial number of small entities" (RFA section 605). A regulatory

flexibility analysis must, among other items specified in the RFA, identify the extent to which small entities will be subject to the rule's requirements and describe any significant alternatives to the rule that accomplish the objectives of applicable statutes and which minimize any significant economic impacts on small entities. We have listed in the second index at the end of the Agenda all rules under development that may require a regulatory flexibility analysis.

3. RFA section 610 requires that an agency review within 10 years of promulgation those regulations that have or will have a significant economic impact on a substantial number of small entities. We undertake these reviews to decide whether we should continue the rule unchanged, amend it, or withdraw it. We announce our forthcoming 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 rules could be made clearer, more effective, or remove conflicting or overlapping requirements with other Federal or State regulations. In this Agenda we report on the results of the review of the Effluent Guideline for Organic Chemicals, Plastics, and Synthetic Fibers. If you have general questions about our 610 review program or suggestions for other rules we should review under section 610, please contact Phil Schwartz (1806A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; fax: (202) 564-6564, e-mail: [schwartz.philip@epa.gov](mailto:schwartz.philip@epa.gov).

The April 2001 EPA Agenda follows.

**Dated:** April 19, 2001.

**Thomas J. Gibson,**

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

## EPA

## GENERAL—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3205	SAN No. 4533 New Jersey Gold Track Project XL Rule .....	2002-AA00

## GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3206	SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements .....	2020-AA39
3207	SAN No. 4191 Revision to EPAAR 1552.211-73, Level of Effort .....	2030-AA64
3208	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest .....	2030-AA67
3209	SAN No. 3876 Incrementally Funding Fixed Price Contracts .....	2030-AA50
3210	SAN No. 3817 Implementation of Changes to Governmentwide Debarment and Suspension Common Rule .....	2030-AA48
3211	SAN No. 3933 Environmental Impact Assessment of Nongovernmental Activities in Antarctica .....	2020-AA34
3212	SAN No. 4292 Proposed Revision to EPA's Implementing NEPA Regulations .....	2020-AA42
3213	SAN No. 3240 Public Information and Confidentiality Regulations .....	2025-AA02
3214	SAN No. 4270 Cross-Media Electronic Reporting (ER) and Recordkeeping Rule .....	2025-AA07
3215	SAN No. 4463 Persistent, Bioaccumulative, and Toxic (PBT) Pollutants Strategy .....	2070-AD45
3216	SAN No. 4473 Regulatory Incentives for the National Environmental Achievement Track Program .....	2090-AA13
3217	SAN No. 4536 Project XL Site-Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico .....	2090-AA27

## GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3218	SAN No. 4187 EPAAR Coverage on Local Hiring and Training .....	2030-AA62
3219	SAN No. 4226 Incorporating Informal Clauses (EP) Into the EPAAR .....	2030-AA66
3220	SAN No. 3580 Incorporation of Class Deviations Into EPAAR .....	2030-AA37
3221	SAN No. 4180 Rewriting of EPA Regulations Implementing the Freedom of Information Act .....	2025-AA04
3222	SAN No. 4185 Electronic Funds Transfer .....	2030-AA57
3223	SAN No. 4351 Warrants for On-Scene Coordinators .....	2030-AA68
3224	SAN No. 4400 Administrative Corrections to EPAAR 1515, Contracting by Negotiation .....	2030-AA73

## GENERAL—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3225	SAN No. 3807 Consolidation of Good Laboratory Practice Standards (GLPS) Regulations Currently Under TSCA and FIFRA Into One Rule .....	2020-AA26
3226	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
3227	SAN No. 3671 Guidelines for Carcinogen Risk Assessment .....	2080-AA06
3228	SAN No. 4530 EPA Draft Agencywide Public Involvement Policy .....	2090-AA23

## GENERAL—Completed Actions

Sequence Number	Title	Regulation Identification Number
3229	SAN No. 3736 Revision to 40 CFR 35 Subpart A and Promulgation of Performance Partnership (State) Grant Regulation .....	2030-AA55

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## GENERAL—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
3230	SAN No. 4128 Revision to 40 CFR 35 Subpart A and Promulgation of Performance Partnership (Tribal) Grant Rule .....	2030-AA56
3231	SAN No. 3629 EPA Mentor-Protege Program .....	2030-AA40
3232	SAN No. 3874 Deletion of EPA Acquisition Regulations for Quality Systems for Environmental Programs .....	2030-AA51
3233	SAN No. 4483 Joint Rule Amending Federal Nondiscrimination Regulations: Definition for Program or Activity .....	2020-AA43
3234	SAN No. 4396 Business Ownership Representation .....	2030-AA69
3235	SAN No. 4397 Contractor Diversity Clause .....	2030-AA70
3236	SAN No. 4427 Report on PM2.5 Federal Reference Method Field Study .....	2080-AA09

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

Sequence Number	Title	Regulation Identification Number
3237	SAN No. 3263 Performance Warranty and Inspection/Maintenance Test Procedures .....	2060-AE20
3238	SAN No. 3262 Inspection/Maintenance Recall Requirements .....	2060-AE22
3239	SAN No. 3412 Operating Permits: Revisions (Part 70) .....	2060-AF70
3240	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings) .....	2060-AF72
3241	SAN No. 3741 Service Information Availability .....	2060-AG13
3242	SAN No. 3820 NESHAP: Plywood and Composite Wood Products .....	2060-AG52
3243	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions .....	2060-AH31
3244	SAN No. 3910 Streamlined Evaporative Test Procedures .....	2060-AH34
3245	SAN No. 4022 NESHAP: Coke Ovens: Pushing, Quenching, and Battery Stacks .....	2060-AH55
3246	SAN No. 4045 Rulemaking To Modify the List of Source Categories From Which Fugitive Emissions Are Considered in Major Source Determinations .....	2060-AH58
3247	SAN No. 4120 Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import & Export .....	2060-AH67
3248	SAN No. 4111 NESHAP: Fumed Silica Production .....	2060-AH72
3249	SAN No. 4104 NESHAP: Hydrochloric Acid Production Industry .....	2060-AH75
3250	SAN No. 4107 NESHAP: Asphalt/Coal Tar Application on Metal Pipes .....	2060-AH78
3251	SAN No. 4113 NESHAP: Clay Minerals Processing .....	2060-AH79
3252	SAN No. 4098 NESHAP: Uranium Hexafluoride Production .....	2060-AH83
3253	SAN No. 4119 Performance Specification 16 - Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources .....	2060-AH84
3254	SAN No. 4003 Technical Change to Dose Methodology for 40 CFR 191, Subpart A .....	2060-AH90
3255	SAN No. 4464 Rulemaking on Section 126 Petitions from New York and Connecticut Regarding Sources in Michigan .....	2060-AJ36
3256	SAN No. 3656 NESHAP: Reciprocating Internal Combustion Engine .....	2060-AG63
3257	SAN No. 3657 NESHAP: Combustion Turbine .....	2060-AG67
3258	SAN No. 3343 NESHAP: Iron Foundries and Steel Foundries .....	2060-AE43
3259	SAN No. 3346 NESHAP: Integrated Iron and Steel .....	2060-AE48
3260	SAN No. 3326 NESHAP: Reinforced Plastic Composites Production .....	2060-AE79
3261	SAN No. 3452 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing .....	2060-AE82
3262	SAN No. 3449 NESHAP: Chlorine Production .....	2060-AE85
3263	SAN No. 3551 Amendments to General Provisions Subparts A and B for 40 CFR 63 .....	2060-AF31
3264	SAN No. 3825 NESHAP: Miscellaneous Metal Parts and Products (Surface Coating) .....	2060-AG56
3265	SAN No. 3655 NESHAP: Asphalt Roofing and Processing .....	2060-AG66
3266	SAN No. 3652 NESHAP: Refractories Manufacturing .....	2060-AG68
3267	SAN No. 3837 NESHAP: Industrial, Commercial and Institutional Boilers and Process Heaters .....	2060-AG69
3268	SAN No. 3651 NESHAP: Lime Manufacturing .....	2060-AG72
3269	SAN No. 3902 NESHAP: Semiconductor Production .....	2060-AG93
3270	SAN No. 3906 NESHAP: Metal Can (Surface Coating) Industry .....	2060-AG96
3271	SAN No. 3909 NESHAP: Fabric Printing, Coating and Dyeing .....	2060-AG98
3272	SAN No. 3907 NESHAP: Automobile and Light-Duty Truck Manufacturing (Surface Coating) .....	2060-AG99
3273	SAN No. 3924 NESHAP: Primary Magnesium Refining .....	2060-AH03
3274	SAN No. 2841 NESHAP: Chromium Electroplating Amendment .....	2060-AH08
3275	SAN No. 3968 NESHAP: Site Remediation .....	2060-AH12

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

Sequence Number	Title	Regulation Identification Number
3276	SAN No. 3972 NESHAP: Rocket Engine Test Firing .....	2060-AH35
3277	SAN No. 3971 NESHAP: Organic Liquids Distribution (Non-Gasoline) .....	2060-AH41
3278	SAN No. 3824 Metal Furniture (Surface Coating) NESHAP .....	2060-AG55
3279	SAN No. 3826 Plastic Parts (Surface Coating) NESHAP .....	2060-AG57
3280	SAN No. 3904 NESHAP: Wood Building Products (Surface Coating) .....	2060-AH02
3281	SAN No. 3139 Location of Selective Enforcement Audits of Foreign Manufactured Vehicles and Engines; Amendment .....	2060-AD90
3282	SAN No. 3979 Review of Federal Test Procedures for Emissions From Motor Vehicles; Test Procedure Adjustments to Fuel Economy and Emission Test Results .....	2060-AH38
3283	SAN No. 3673 Protection of Stratospheric Ozone: Reconsideration of Section 608 Sales Restriction .....	2060-AG20
3284	SAN No. 4487 Federal Implementation Plans for Indian Reservations in Idaho, Oregon and Washington .....	2012-AA01
3285	SAN No. 4511 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Third Party Audit Provisions .....	2050-AE85
3286	SAN No. 4115 NESHAP: Chromium Electroplating Amendment .....	2060-AH69
3287	SAN No. 4154 Control of Emissions from Nonroad Large Spark-Ignition Engines, Recreational Engines (Marine and Land-Based), and Highway Motorcycles .....	2060-AI11
3288	SAN No. 4253 Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Methyl Bromide and Trade Ban With Non-Parties to the Montreal Protocol .....	2060-AI42
3289	SAN No. 4255 Review of the National Ambient Air Quality Standards for Particulate Matter .....	2060-AI44
3290	SAN No. 4340 Transportation Conformity Amendments: Response to March 2, 1999, Court Decision .....	2060-AI56
3291	SAN No. 4309 National VOC Emission Standards for Consumer Products; Proposed Amendments .....	2060-AI62
3292	SAN No. 4310 NESHAP for the Printing and Publishing Industry; Amendments .....	2060-AI66
3293	SAN No. 4325 NESHAP: Brick and Structural Clay Products Manufacturing .....	2060-AI67
3294	SAN No. 4343 NESHAP: Clay Ceramics Manufacturing .....	2060-AI68
3295	SAN No. 4313 Petitions to Delist Hazardous Air Pollutants (e.g., MEK, EGBE, Methanol, and MIBK) from Section 112(b)(1) of the CAA .....	2060-AI72
3296	SAN No. 4144 NESHAP: Engine Test Facilities .....	2060-AI74
3297	SAN No. 4346 NESHAP: Lightweight Aggregate Manufacturing .....	2060-AI75
3298	SAN No. 4306 Development of Reference Method for the Determination of Source Emissions of Filterable Fine Particulate Matter as PM <sub>2.5</sub> .....	2060-AI96
3299	SAN No. 4348 Inspection Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule .....	2060-AI97
3300	SAN No. 4393 Control of Methyl Tertiary Butyl Ether (MTBE) .....	2060-AJ00
3301	SAN No. 4380 NESHAP: Taconite Iron Ore Processing Industry .....	2060-AJ02
3302	SAN No. 4413 NESHAP: Aluminum Die Casting and Aluminum Foundries .....	2060-AJ09
3303	SAN No. 4390 New Source Review (NSR) Improvement: Utility Sector Offramp Program .....	2060-AJ14
3304	SAN No. 4410 Protection of Stratospheric Ozone Allocation of Essential-Use Allowances for Calendar Year 2001: Laboratory Essential Use Exemptions .....	2060-AJ15
3305	SAN No. 4433 Rulemaking for Purposes of Reducing Interstate Ozone Transport: Response to March 3, 2000 Decision of the United States Court of Appeals for the District of Columbia Circuit .....	2060-AJ16
3306	SAN No. 4460 NESHAP for Friction Products Manufacturing .....	2060-AJ18
3307	SAN No. 4449 NESHAP for Flexible Polyurethane Foam Fabrication Operations .....	2060-AJ19
3308	SAN No. 4466 Rulemakings for the Purpose of Reducing Interstate Ozone Transport .....	2060-AJ20
3309	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
3310	SAN No. 4421 Revising Regulations on Ambient Air Quality Monitoring .....	2060-AJ25
3311	SAN No. 4426 Clarification to Existing Part 63 NESHAP Delegations' Provisions-Work Practices .....	2060-AJ26
3312	SAN No. 4441 Federal Plan for Commercial and Industrial Solid Waste Incineration Units .....	2060-AJ28
3313	SAN No. 4448 Revisions to Part 97 Federal NO <sub>x</sub> Budget Trading Program Allowance Allocation Method and Part 75 Output and Emissions Monitoring Provisions .....	2060-AJ30
3314	SAN No. 4450 Guidelines for Best Available Retrofit Technology (BART) .....	2060-AJ31
3315	SAN No. 4457 NESHAP: Pesticides Active Ingredients—Amendments .....	2060-AJ34
3316	SAN No. 4538 Revisions to the Part 97 Federal NO <sub>x</sub> Budget Trading Program, the Part 75 Emissions Monitoring Provisions, the Part 72 Permits Regulation Provisions, and the Part 78 Appeal Procedures .....	2060-AJ43
3317	SAN No. 4484 NESHAP: Amino/Phenolic Resins: Amendment .....	2060-AJ45
3318	SAN No. 4454 Federal Plan for Small Municipal Waste Combustion Units .....	2060-AJ46
3319	SAN No. 4520 Petition by Colorado To Relax the Reid Vapor Pressure Standard for Gasoline for 2001 .....	2060-AJ55
3320	SAN No. 4535 Protection of Stratospheric Ozone: Process for Exempting Critical and Emergency Uses of Methyl Bromide .....	2060-AJ63

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

Sequence Number	Title	Regulation Identification Number
3321	SAN No. 3569 Source-Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant .....	2009-AA01
3322	SAN No. 3259 New Source Review (NSR) Improvement .....	2060-AE11
3323	SAN No. 3380 NSPS: Synthetic Organic Chemicals Manufacturing Industry - Wastewater (FINAL) & Amend. to Appendix C of Part 63 & Appendix J of Part 60 .....	2060-AE94
3324	SAN No. 3549 NESHAP: Petroleum Refineries; Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Units .....	2060-AF28
3325	SAN No. 2915 Methods for Measurement of Visible Emissions—Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51 .....	2060-AF83
3326	SAN No. 3568 Environmental Radiation Protection Standards for Yucca Mountain, Nevada .....	2060-AG14
3327	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
3328	SAN No. 3970 NESHAP: Cellulose Production Manufacturing .....	2060-AH11
3329	SAN No. 3969 NESHAP: Municipal Solid Waste Landfills .....	2060-AH13
3330	SAN No. 3958 Addition of Opacity Method to Appendix M of 40 CFR Part 51 (Method 203) .....	2060-AH23
3331	SAN No. 3986 Consolidated Emissions Reporting Rule .....	2060-AH25
3332	SAN No. 4030 Expanded Definitions for Alternative-Fueled Vehicles and Engines Meeting Low-Emission Vehicle Exhaust Emission Standards .....	2060-AH52
3333	SAN No. 4123 NESHAP: Pulp and Paper Production; Amendments to the Promulgated Rule .....	2060-AH74
3334	SAN No. 4114 NESHAP: Polyvinyl Chloride and Copolymers Production .....	2060-AH82
3335	SAN No. 4096 Phase I Federal Implementation Plans (FIPs) To Reduce the Regional Transport of Ozone in the Eastern United States .....	2060-AH87
3336	SAN No. 4082 NESHAP: Wet-Formed Fiberglass Mat Production .....	2060-AH89
3337	SAN No. 4077 Protection of Stratospheric Ozone: Reconsideration on the 610 Nonessential Products Ban .....	2060-AH99
3338	SAN No. 4254 Revision to the Definition of Volatile Organic Compound (VOC) to Exclude Tertiary Butyl Acetate ...	2060-AI45
3339	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand) .....	2060-AA61
3340	SAN No. 3470 Requirements for Preparation, Adoption, and Submittal of State Implementation Plans (Guideline on Air Quality Models) .....	2060-AF01
3341	SAN No. 3340 NESHAP: Primary Copper Smelting .....	2060-AE46
3342	SAN No. 3550 NESHAP: Manufacturing of Nutritional Yeast .....	2060-AF30
3343	SAN No. 3747 NESHAP: Boat Manufacturing .....	2060-AG27
3344	SAN No. 3749 NESHAP: Tire Manufacturing .....	2060-AG29
3345	SAN No. 3823 NESHAP: Large Appliance (Surface Coating) .....	2060-AG54
3346	SAN No. 3905 NESHAP: Metal Coil (Surface Coating) Industry .....	2060-AG97
3347	SAN No. 3964 NESHAP: Leather Finishing Operations .....	2060-AH17
3348	SAN No. 3903 NESHAP: Solvent Extraction for Vegetable Oil Production .....	2060-AH22
3349	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins-Amendments .....	2060-AH47
3350	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations .....	2060-AI03
3351	SAN No. 3556 Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 .....	2060-AF36
3352	SAN No. 3560 Protection of Stratospheric Ozone: Refrigerant Recycling Rule Amendment To Include Substitute Refrigerants .....	2060-AF37
3353	SAN No. 3525 Protection of Stratospheric Ozone: Update of the Substitutes List Under the Significant New Alternatives Policy (SNAP) Program .....	2060-AG12
3354	SAN No. 3827 Paper and Other Web Coating NESHAP .....	2060-AG58
3355	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation .....	2009-AA00
3356	SAN No. 4105 NESHAP: Generic MACT for Carbon Black, Ethylene, Cyanide and Spandex .....	2060-AH68
3357	SAN No. 4316 NESHAP for Ethylene Oxide Commercial Sterilization Operations-Monitoring Amendments .....	2060-AI64
3358	SAN No. 4273 Amend Subpart H and I, 40 CFR Part 61, for Emissions of Radionuclides Other Than Radon From DOE Facilities .....	2060-AI90
3359	SAN No. 4299 Revision to Method 24 for Electrical Insulating Varnishes .....	2060-AI94
3360	SAN No. 4358 Regulation of Fuels and Fuel Additives: Reformulated Gasoline Adjustment .....	2060-AI98
3361	SAN No. 4417 Removal of Aluminum Die Casting and Aluminum Foundries From the Secondary Aluminum NESHAP and Applicability Stay for These Industries .....	2060-AJ11
3362	SAN No. 4458 NESHAP for Pharmaceuticals Production: Direct Final Amendments .....	2060-AJ17
3363	SAN No. 4428 Protection of Stratospheric Ozone: Phaseout of Chlorobromomethane (Halon 1011) Production and Consumption .....	2060-AJ27
3364	SAN No. 4442 NESHAP for Source Categories: Phosphoric Acid Manufacturing and Phosphate Fertilizers Production — Amendments .....	2060-AJ29

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

Sequence Number	Title	Regulation Identification Number
3365	SAN No. 4478 Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills: Amendment .....	2060-AJ41
3366	SAN No. 4479 NESHAP: Gasoline Distribution Facilities — Amendment .....	2060-AJ42
3367	SAN No. 4491 Section 126 Rule Revision Correcting NOx Allowance Allocations for Certain Units in the Federal NOx Budget Trading Program .....	2060-AJ47
3368	SAN No. 4492 Revision to Interim Approval Requirements .....	2060-AJ48
3369	SAN No. 4507 Standards of Performance for New Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors Amendment of Startup, Shutdown, and Malfunction Provisions .....	2060-AJ52
3370	SAN No. 4524 Portland Cement Manufacturing Industry NESHAP: Amendments to Rule .....	2060-AJ57
3371	SAN No. 4528 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline .....	2060-AJ59
3372	SAN No. 4529 Change in Definition of “major source” for Operating Permits .....	2060-AJ60
3373	SAN No. 4544 NESHAP: Ferroalloy Production: Ferromanganese and Silicomanganese .....	2060-AJ64
3374	SAN No. 4517 Project XL Site-Specific Rulemaking for Weyerhaeuser Company Flint River Operations .....	2090-AA20
3375	SAN No. 4278 Project XL Site-Specific Rulemaking for Andersen Corporation’s Facility in Bayport, Minnesota .....	2090-AA21

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

Sequence Number	Title	Regulation Identification Number
3376	SAN No. 3553 Implementation of Ozone and Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations .....	2060-AF34
3377	SAN No. 3922 Revised Permit Revision Procedures for the Federal Operating Permits Program .....	2060-AG92
3378	SAN No. 3975 Review of Minor New Sources and Modifications in Indian Country .....	2060-AH37
3379	SAN No. 4046 Federal Major New Source Review (NSR) Program for Nonattainment Areas .....	2060-AH53
3380	SAN No. 4070 General Conformity Regulations; Revisions .....	2060-AH93
3381	SAN No. 4247 Revisions to Air Pollution Emergency Episode Requirements (Subpart H, 40 CFR Part 51) .....	2060-AI47
3382	SAN No. 3638 Revision of EPA’s Radiological Emergency Response Plan .....	2060-AI49
3383	SAN No. 3746 NESHAP: Paint Stripping Operations .....	2060-AG26
3384	SAN No. 3479 Amendments to Parts 51, 52, 63, 70 and 71 Regarding the Provisions for Determining Potential To Emit .....	2060-AI01
3385	SAN No. 4162 NESHAP: Oil and Natural Gas Production .....	2060-AI13
3386	SAN No. 2937 Field Citation Program .....	2020-AA32
3387	SAN No. 3751 NSPS and Emission Guidelines for Other Solid Waste Incinerators .....	2060-AG31
3388	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas .....	2060-AH01
3389	SAN No. 4245 Consumer and Commercial Products: Flexible Package Printing Materials: Determination on Control Techniques Guidelines in Lieu of Regulation .....	2060-AI31
3390	SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO2) Area .....	2008-AA00
3391	SAN No. 4266 Review National Ambient Air Quality Standards for Carbon Monoxide .....	2060-AI43
3392	SAN No. 4274 Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard Is No Longer Applicable (7 Areas) .....	2060-AI57
3393	SAN No. 4276 Revision to NOx SIP Call Emission Budgets for Connecticut, Massachusetts and Rhode Island .....	2060-AI80
3394	SAN No. 4383 Interstate Ozone Transport: Rulemaking on Section 126 Petitions From the District of Columbia, Delaware, Maryland, and New Jersey .....	2060-AI99
3395	SAN No. 4391 Rescinding Finding That Pre-existing PM10 Standards Are No Longer Applicable in Northern Ada County/Boise, Idaho .....	2060-AJ05
3396	SAN No. 4471 Project XL Site-Specific Rulemaking for Georgia-Pacific Corporation’s Facility in Big Island, Virginia .....	2090-AA26

## CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3397	SAN No. 3407 Method 301: Field Validation of Pollution Measurement Methods for Various Media; Revisions .....	2060-AF00
3398	SAN No. 3743 Amendments for Testing and Monitoring Provisions to Part 60, Part 61, and Part 63 .....	2060-AG21

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

Sequence Number	Title	Regulation Identification Number
3399	SAN No. 3748 Consolidated Federal Air Rule for the Synthetic Organic Chemical Manufacturing Industry .....	2060-AG28
3400	SAN No. 4103 NESHAP: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Industry (SOCMI) & Other Processes Subject to the Negotiated Regulation for Equipment Leaks .....	2060-AH81
3401	SAN No. 4333 Decision on a Petition From the Territory of American Samoa To Be Exempted From the Gasoline Anti-Dumping Regulations .....	2060-AI60
3402	SAN No. 4504 NESHAP: Off-Site Waste and Recovery Operations; Final Rule—Settle Agreement; and NESHAP for Off-Site Waste and Recovery Operations; Technical Amendment .....	2060-AJ44
3403	SAN No. 3304 NESHAP: Phosphate Fertilizers Production .....	2060-AE44
3404	SAN No. 3754 Petroleum Solvent Dry Cleaners Maximum Achievable Control Technology (MACT) Standard .....	2060-AG34
3405	SAN No. 3829 Revisions to the Regulation for Approval of State Programs and Delegation of Federal Authorities 112(l) .....	2060-AG60
3406	SAN No. 3899 NESHAP: Friction Products Manufacturing .....	2060-AG87
3407	SAN No. 3962 NESHAP: Manufacture of Carbon Black .....	2060-AH19
3408	SAN No. 3973 NESHAP: Flexible Polyurethane Foam Fabrication Operations .....	2060-AH42
3409	SAN No. 4218 NESHAP: Process Heaters .....	2060-AI35
3410	SAN No. 4455 NESHAP: Amino/Phenolic Resins Amendment .....	2060-AJ32
3411	SAN No. 3613 NSPS and Emission Guidelines for Commercial and Industrial Solid Waste Incineration Units .....	2060-AF91
3412	SAN No. 4271 Protection of Stratospheric Ozone: Incorporation of Clean Air Act Amendments for Reduction in Class I, Group VI Controlled Substances .....	2060-AI41
3413	SAN No. 4385 Amendments to Vehicle Inspection Maintenance Program Requirements Implementing the Onboard Diagnostic Check; Amendment to the Final Rule .....	2060-AJ03
3414	SAN No. 4110 NESHAP: Alumina Processing .....	2060-AH70
3415	SAN No. 4240 NESHAP: Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semicemical Pulp Mills .....	2060-AI34
3416	SAN No. 4251 Control of Emissions of Air Pollution from New Compression-Ignition and Spark-Ignition Recreational Marine Engines .....	2060-AI36
3417	SAN No. 4243 Standards and Guidelines for Small Municipal Waste Combustion Units .....	2060-AI51
3418	SAN No. 4284 Revision of Schedule for Standards Under Section 112 of the CAA .....	2060-AI52
3419	SAN No. 4285 Control of Emissions of Hazardous Pollutants from Motor Vehicles and Motor Vehicle Fuels .....	2060-AI55
3420	SAN No. 4286 National Emission Standards for Benzene Emissions from Coke Byproduct Recovery Plants (Part 61, Subpart L) .....	2060-AI65
3421	SAN No. 4355 Heavy-Duty Engine Emission Standards & Diesel Fuel Sulfur Control Requirements .....	2060-AI69
3422	SAN No. 4353 Amendments to the Aerospace Manufacturing and Rework Facilities NESHAP for the HAP and VOC Content Limits for Primer Operations and Stay of Compliance .....	2060-AI77
3423	SAN No. 4354 NESHAP: Pharmaceuticals Production; Final Amendments .....	2060-AI78
3424	SAN No. 4304 National Ambient Air Quality Standard for Ozone - Corrections Notice .....	2060-AI95
3425	SAN No. 4387 Amendments to State and Federal Operating Permits Programs, Part 70 and Part 71, Compliance Certification Requirements .....	2060-AJ04
3426	SAN No. 4414 Revision of Standards of Performance for Nitrogen Oxide Emissions from New Fossil-Fuel Fired Steam Generating Units .....	2060-AJ22
3427	SAN No. 4416 Revision to the Source Category Listing for Section 112(d)(2) Rulemaking Pursuant to Section 112(c)(6) Requirements .....	2060-AJ24
3428	SAN No. 4456 Stratospheric Ozone Protection: Allocation of Essential Use Allowances for Calendar Year 2001 .....	2060-AJ33
3429	SAN No. 4465 Stay of the 8-Hour Portion of Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport .....	2060-AJ37
3430	SAN No. 4468 National Air Toxics Program: Integrated Strategy, Report to Congress .....	2060-AJ38
3431	SAN No. 4471 Project XL Site-Specific Rulemaking for Georgia-Pacific Corporation's Facility in Big Island, Virginia .....	2060-AJ39
3432	SAN No. 4336 Amendments to NESHAP: Off-Site Waste and Recovery Operations .....	2060-AJ40
3433	SAN No. 4527 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances—N-Propylbromide .....	2060-AJ58

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

Sequence Number	Title	Regulation Identification Number
3434	SAN No. 3602 Protective Action Guidance for Drinking Water .....	2060-AF39

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

Sequence Number	Title	Regulation Identification Number
3435	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste .....	2060-AH63
3436	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)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3437	SAN No. 2684 Plant Incorporated Protectants (Formerly Plant Pesticides) Rulemakings .....	2070-AC02
3438	SAN No. 2687 Data Requirements for Pesticide Registration; Toxicology, Exposure and Residue Chemistry .....	2070-AC12
3439	SAN No. 4170 Pesticides; Procedures for Registration Review Program .....	2070-AD29
3440	SAN No. 4173 Data Requirements for Antimicrobial Pesticide Registration; Product Chemistry Requirements .....	2070-AD30
3441	SAN No. 4496 Data Requirement for Pesticide Registration; Environmental Fate and Ecological Effects .....	2070-AD47

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

Sequence Number	Title	Regulation Identification Number
3442	SAN No. 2659 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment .....	2070-AB95
3443	SAN No. 3222 Groundwater and Pesticide Management Plan Rule .....	2070-AC46
3444	SAN No. 3731 WPS; Pesticide Worker Protection Standard; Glove Amendment .....	2070-AC93
3445	SAN No. 3892 Registration Requirements for Antimicrobial Pesticide Products; and Other Pesticide Regulatory Changes .....	2070-AD14

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

Sequence Number	Title	Regulation Identification Number
3446	SAN No. 4216 Regulatory Review of Pesticide Emergency Exemption Regulations .....	2070-AD36
3447	SAN No. 3432 Pesticide Management and Disposal .....	2020-AA33
3448	SAN No. 4143 Endocrine Disruptor Screening Program .....	2070-AD26

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

Sequence Number	Title	Regulation Identification Number
3449	SAN No. 3890 Tolerances for Pesticide Emergency Exemptions .....	2070-AD15
3450	SAN No. 2720 Policy or Procedures for Notification to the Agency of Stored Pesticides With Canceled or Suspended Registration .....	2020-AA29
3451	SAN No. 4347 Registration of Granular Fertilizer-Pesticide Combination Products .....	2070-AD40

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

Sequence Number	Title	Regulation Identification Number
3452	SAN No. 2563 Test Rule; ATSDR Substances .....	2070-AB79
3453	SAN No. 4174 TSCA Section 4 Enforceable Consent Agreement for Certain Oxygenated Fuel Additives .....	2070-AD28
3454	SAN No. 4395 Test Rule; Multi-Substance Rule for the Testing of Developmental and Reproductive Toxicity .....	2070-AD44
3455	SAN No. 1923 Follow-Up Rules on Existing Chemicals .....	2070-AA58

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

Sequence Number	Title	Regulation Identification Number
3456	SAN No. 4512 Significant New Use Rule; Selected Flame Retardant Chemical Substances for use in Residential Upholstered Furniture .....	2070-AD48
3457	SAN No. 3557 Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling .....	2070-AC83

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

Sequence Number	Title	Regulation Identification Number
3458	SAN No. 3301 TSCA Inventory Update Rule Amendments .....	2070-AC61
3459	SAN No. 3493 Test Rule; Generic Entry for ITC Related Testing Decisions .....	2070-AB94
3460	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs) .....	2070-AC76
3461	SAN No. 3990 Test Rule; Certain High Production Volume (HPV) Chemicals .....	2070-AD16
3462	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
3463	SAN No. 1976 Follow-Up Rules on Non-5(e) New Chemical Substances .....	2070-AA59
3464	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders .....	2070-AB27
3465	SAN No. 4475 Significant New Use Rule; Certain Perfluoroalkyl Sulfonyl (Pfos) Containing Chemical Substances ..	2070-AD43
3466	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce .....	2070-AB20
3467	SAN No. 2779 Acrylamide; Prohibition on Manufacture, Importation, Distribution and Use of Acrylamide for Grouting .....	2070-AC17
3468	SAN No. 3528 Significant New Use Rule; Refractory Ceramic Fibers .....	2070-AC37
3469	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules .....	2070-AB08
3470	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules .....	2070-AB11
3471	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
3472	SAN No. 4172 Lead; Notification Requirements for Lead-Based Paint Abatement Activities and Training .....	2070-AD31
3473	SAN No. 3118 TSCA Section 8(e) Policy; Notice of Clarification .....	2070-AC80

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

Sequence Number	Title	Regulation Identification Number
3474	SAN No. 4027 Pesticides; Tolerance Processing Fees .....	2070-AD23
3475	SAN No. 4175 Pesticide Tolerance Reassessment Program .....	2070-AD24
3476	SAN No. 2865 Voluntary Children's Chemical Evaluation Program (VCCEP) .....	2070-AC27
3477	SAN No. 3882 Test Rule; Certain Metals .....	2070-AD10
3478	SAN No. 3252 Lead; Regulatory Investigation Under the Toxic Substances Control Act (TSCA) To Reduce Lead (Pb) Consumption and Use .....	2070-AC21
3479	SAN No. 3148 Asbestos Model Accreditation Plan Revisions .....	2070-AC51
3480	SAN No. 4179 Polychlorinated Biphenyls (PCBs); Use Authorizations .....	2070-AD27
3481	SAN No. 4376 Lead-Based Paint Activities; Training, Accreditation, and Certification Rule and Model State Plan Rule - Building and Structures .....	2070-AC64
3482	SAN No. 3508 Lead; Management and Disposal of Lead-Based Paint Debris .....	2070-AC72
3483	SAN No. 4176 Chemical Right-to-Know Initiative; High Production Volume (HPV) Chemicals .....	2070-AD25

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

Sequence Number	Title	Regulation Identification Number
3484	SAN No. 3021 Polychlorinated Biphenyls (PCBs); Reclassification of PCB and PCB Contaminated Electrical Equipment Final Rule .....	2070-AC39

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

Sequence Number	Title	Regulation Identification Number
3485	SAN No. 2249 Asbestos Worker Protection Rule Amendments .....	2070-AC66
3486	SAN No. 3243 Lead; Identification of Dangerous Levels of Lead Pursuant to TSCA Section 403 .....	2070-AC63
3487	SAN No. 4488 Polychlorinated Biphenyls (PCBs); Return of PCB Waste from U.S. Territories Outside the Customs Territory of the United States .....	2070-AD46

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

Sequence Number	Title	Regulation Identification Number
3488	SAN No. 4265 TRI; Revisions to the Otherwise Use Activity Exemptions and the Coal Extraction Activities Exemption .....	2025-AA06
3489	SAN No. 4392 TRI: APA Petition-EPCRA 313 Definition of "Overburden" as it relates to the mining industry. ....	2025-AA08
3490	SAN No. 3215 Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule .....	2050-AE17
3491	SAN No. 3993 Modification of Threshold Planning Quantity for Isophorone Diisocyanate .....	2050-AE43

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

Sequence Number	Title	Regulation Identification Number
3492	SAN No. 2425 TRI; Responses to Petitions Received To Add or Delete or Modify Chemical Listings on the Toxic Release Inventory .....	2025-AA00

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

Sequence Number	Title	Regulation Identification Number
3493	SAN No. 3007 TRI; Chemical Expansion; Finalization of Deferred Chemicals .....	2025-AA01
3494	SAN No. 4015 TRI; Review of Chemicals on the Original TRI List .....	2025-AA03
3495	SAN No. 2847 TRI; Pollution Prevention Act Information Requirements .....	2025-AA09
3496	SAN No. 3994 Response to a Petition Requesting Deletion of Phosmet from the Extremely Hazardous Substances (EHSs) List .....	2050-AE42

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

Sequence Number	Title	Regulation Identification Number
3497	SAN No. 4259 TRI; Lowering of EPCRA Section 313 Reporting Thresholds for Lead and Lead Compounds .....	2025-AA05

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

Sequence Number	Title	Regulation Identification Number
3498	SAN No. 3989 Removal of Requirement To Use SW-846 Methods (Test Methods for Evaluating Solid Waste: Physical/Chemical Methods) .....	2050-AE41
3499	SAN No. 4028 Standardized Permit for RCRA Hazardous Waste Management Facilities .....	2050-AE44
3500	SAN No. 3066 Listing Determination of Wastes Generated During the Manufacture of Azo, Anthraquinone, and Triarylmethane Dyes and Pigments .....	2050-AD80
3501	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials .....	2050-AE23

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

Sequence Number	Title	Regulation Identification Number
3502	SAN No. 3333 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors-Phase II Covering Boilers and Certain Industrial Furnaces .....	2050-AE01
3503	SAN No. 3147 Hazardous Waste Manifest Regulation .....	2050-AE21
3504	SAN No. 4084 Office of Solid Waste Burden Reduction Project .....	2050-AE50
3505	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Shop Towels and Wipes .....	2050-AE51
3506	SAN No. 4092 Glass-to-Glass Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations .....	2050-AE52
3507	SAN No. 4093 Reinventing the Land Disposal Restrictions Program .....	2050-AE53
3508	SAN No. 4230 Revisions to Solid Waste Landfill Criteria—Leachate Recirculation on Alternative Liners .....	2050-AE67
3509	SAN No. 4411 Proposed Rule: Regulation of Oil Bearing Wastes From Petroleum Refineries Gasified To Produce Synthesis Gas .....	2050-AE78
3510	SAN No. 4418 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors .....	2050-AE79
3511	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers .....	2050-AE81
3512	SAN No. 4501 Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures .....	2050-AE84
3513	SAN No. 4525 Amendment to the Definition of Municipal Solid Waste Landfill Unit .....	2050-AE86
3514	SAN No. 4439 Project XL — Ortho-McNeil Pilot Project Allowing On-Site Treatment of Low-Level Mixed Wastes Without RCRA Permit .....	2090-AA14
3515	SAN No. 4534 Project XL Site-Specific Rulemaking for Anne Arundel County Millersville Landfill, Severn, Maryland .....	2090-AA25

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

Sequence Number	Title	Regulation Identification Number
3516	SAN No. 3805 Paint Manufacturing Wastes Listing: Hazardous Waste Management System: Identification and Listing of Hazardous Waste .....	2050-AE32
3517	SAN No. 3856 Management of Cement Kiln Dust (CKD) .....	2050-AE34
3518	SAN No. 4017 Storage, Treatment, Transportation, and Disposal of Mixed Waste .....	2050-AE45
3519	SAN No. 4088 Recycled Used Oil Containing PCBs .....	2050-AE47
3520	SAN No. 4083 Listing of Hazardous Waste; Inorganic Chemical Wastes; Land Disposal Restrictions for Newly Listed Wastes; CERCLA Hazardous Substances Reportable Quantities .....	2050-AE49
3521	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision) .....	2050-AC71
3522	SAN No. 3328 Hazardous Waste Identification Rule (HWIR): Identification and Listing of Hazardous Wastes .....	2050-AE07
3523	SAN No. 4419 Amendments to the Corrective Action Management Unit Rule .....	2050-AE77
3524	SAN No. 4437 Project XL Site-Specific Rulemaking for the U.S. Filter Recovery Services, Roseville, Minnesota, and Approved Generators and Transporters of USFRS XL Waste .....	2090-AA15
3525	SAN No. 4498 Project XL Site-Specific Rulemaking for Yolo County Landfill, Davis, Yolo County, California .....	2090-AA18
3526	SAN No. 4516 Project XL Notice of Proposed Rule for Autoliv Inc. Site-Specific Rulemaking .....	2090-AA19

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

Sequence Number	Title	Regulation Identification Number
3527	SAN No. 3428 Hazardous Waste Management System: Slag Residues Derived From High Temperature Metals Recovery (HTMR) Treatment of KO61, KO62 and F0006 Wastes .....	2050-AE15
3528	SAN No. 3668 Hazardous Waste Identification; Recycled Used Oil Management Standards .....	2050-AE28
3529	SAN No. 3888 Mercury-Containing and Rechargeable Battery Management Act; Codification of Waste Management Provisions .....	2050-AE39
3530	SAN No. 4090 RCRA Appendix VIII Streamlining .....	2050-AE55
3531	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
3532	SAN No. 2390 Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities .....	2050-AB80
3533	SAN No. 4094 Land Disposal Restrictions; Potential Revisions for Mercury Listed and Characteristic Wastes .....	2050-AE54

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

Sequence Number	Title	Regulation Identification Number
3534	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
3535	SAN No. 4263 Temporary Suspension of Toxicity Characteristic Rule for Specific Lead-Based Paint Debris .....	2050-AE68
3536	SAN No. 4208 Requirements for Zinc Fertilizer Made From Recycled Hazardous Secondary Materials .....	2050-AE69
3537	SAN No. 4430 RCRA Controls for Wastewater Treatment Units .....	2050-AE82
3538	SAN No. 4469 Standards for the Management of Coal Combustion Wastes - Non-Power Producers and Minefilling .....	2050-AE83

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

Sequence Number	Title	Regulation Identification Number
3539	SAN No. 3151 Listing Determination for Wastewater and Wastewater Treatment Sludges from Chlorinated Aliphatics Productions; Land Disposal Restrictions for Newly Identified Waste .....	2050-AD85
3540	SAN No. 4360 Deferral of Phase IV Standards for PCBs as a Constituent Subject to Treatment in Soil .....	2050-AE76
3541	SAN No. 4438 Project XL — IBM VT Pilot Project providing a site-specific exemption of a metallization process from the F006 listing description .....	2090-AA11
3542	SAN No. 4497 Project XL Site-Specific Rulemaking for Buncombe County Landfill, Alexander, North Carolina .....	2090-AA22

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

Sequence Number	Title	Regulation Identification Number
3543	SAN No. 2634 Oil Pollution Prevention Regulation: Revisions .....	2050-AC62

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

Sequence Number	Title	Regulation Identification Number
3544	SAN No. 3423 Reportable Quantity Adjustments for Carbamates .....	2050-AE12
3545	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules .....	2050-AD75
3546	SAN No. 4177 Revise 40 CFR Part 35 Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Actions .....	2050-AE62

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

Sequence Number	Title	Regulation Identification Number
3547	SAN No. 2394 Reporting Exemptions for Federally Permitted Releases of Hazardous Substances .....	2050-AB82
3548	SAN No. 3885 Streamlining the Preauthorization Mixed Funding for Application and Implementation of Claims Against Superfund .....	2050-AE38
3549	SAN No. 4201 Criteria for the Designation of Hazardous Substances under CERCLA Section 102(a) .....	2050-AE63

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

Sequence Number	Title	Regulation Identification Number
3550	SAN No. 3806 Grants for Technical Assistance Rule Reform—40 CFR Part 35 Subpart M .....	2050-AE33

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

Sequence Number	Title	Regulation Identification Number
3551	SAN No. 4280 Effluent Guidelines and Standards for the Construction and Development Industry .....	2040-AD42
3552	SAN No. 4407 Effluent Guidelines and Standards for the Meat Products Point Source Category (Revisions) .....	2040-AD56
3553	SAN No. 4264 Water Quality Standards for Alabama—Phase II .....	2040-AD35
3554	SAN No. 4344 Water Quality Standards for Indian Country Waters .....	2040-AD46
3555	SAN No. 4047 Test Procedures for the Analysis of Cryptosporidium and Giardia Under the Safe Drinking Water and Clean Water Acts .....	2040-AD08
3556	SAN No. 4214 Test Procedures for the Analysis of E. Coli and Enterococci Under the Clean Water Act .....	2040-AD34
3557	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
3558	SAN No. 3786 NPDES Streamlining Rule — Round III .....	2040-AC84
3559	SAN No. 3999 NPDES Requirements for Municipal Sanitary Sewer Collection Systems, Municipal Satellite Collection Systems, and Sanitary Sewer Overflows .....	2040-AD02
3560	SAN No. 4332 Recognition Awards Under the Clean Water Act .....	2040-AD44
3561	SAN No. 4446 Ocean Discharges Criteria Revisions .....	2040-AD60
3562	SAN No. 2804 Clean Water Act Definition of Waters of the United States .....	2040-AB74
3563	SAN No. 4493 Clean Water State Revolving Fund Regulation Revisions Re: Use as Matching Funds .....	2040-AD68
3564	SAN No. 4541 Test Procedures for the Analysis of Mercury Under the Clean Water Act (Revisions to Method 1631) .....	2040-AD72
3565	SAN No. 4514 Proposal to Revise and to Ratify or Withdraw Whole Effluent Toxicity Test Methods .....	2040-AD73
3566	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements .....	2050-AE87

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

Sequence Number	Title	Regulation Identification Number
3567	SAN No. 4192 Effluent Guidelines and Standards for the Bleached Papergrade Kraft Subcategory of the Pulp, Paper, and Paperboard Category; Certification in Lieu of Monitoring for Chloroform .....	2040-AD23
3568	SAN No. 4168 Effluent Guidelines and Standards for the Coal Mining Point Source Category (Revisions) .....	2040-AD24
3569	SAN No. 3155 Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase One .....	2040-AC95
3570	SAN No. 4409 Test Procedures: Clean Water Act and Safe Drinking Water Act Methods Update .....	2040-AD59
3571	SAN No. 3444 Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at New Facilities Under Section 316(b) of the Clean Water Act, Phase 1 .....	2040-AC34
3572	SAN No. 3663 Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution .....	2040-AC58
3573	SAN No. 3288 Comparison of Dredged Material to Reference Sediment .....	2040-AC14
3574	SAN No. 3488 Round 2 Standards for the Use or Disposal of Sewage Sludge .....	2040-AC25
3575	SAN No. 4515 Procedures for Tribes to Obtain Approval for Treatment as a State To Receive Funding for the Beaches Program .....	2040-AD69
3576	SAN No. 4476 Pretreatment Program Reinvention Pilot Projects Under Project XL .....	2090-AA16

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

Sequence Number	Title	Regulation Identification Number
3577	SAN No. 2806 Effluent Guidelines and Standards for the Metal Products and Machinery Category, Phases 1 and 2 .....	2040-AB79
3578	SAN No. 3833 Effluent Guidelines and Standards for the Iron and Steel Manufacturing Point Source Category (Revisions) .....	2040-AC90
3579	SAN No. 4050 Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Category, Phase II .....	2040-AD10
3580	SAN No. 4153 Effluent Guidelines and Standards for Feedlots Point Source Category, and NPDES Regulation for Concentrated Animal Feeding Operations .....	2040-AD19
3581	SAN No. 4370 Effluent Guidelines and Standards for the Dissolving Kraft and Dissolving Sulfite Subcategories of the Pulp, Paper, and Paperboard Point Source Category (Phase III) .....	2040-AD49
3582	SAN No. 4406 Effluent Guidelines and Standards for the Aquatic Animal Production Industry .....	2040-AD55

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

Sequence Number	Title	Regulation Identification Number
3583	SAN No. 4408 Effluent Guidelines and Standards for the Industrial Container and Drum Cleaning Point Source Category .....	2040-AD57
3584	SAN No. 3662 Water Quality Standards Regulation — Revision .....	2040-AC56
3585	SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act .....	2040-AC75
3586	SAN No. 3714 Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring .....	2040-AC92
3587	SAN No. 3713 Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures .....	2040-AC93
3588	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
3589	SAN No. 4089 Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase Two .....	2040-AD12
3590	SAN No. 4377 Test Procedures for the Analysis of Mercury Under the Clean Water Act (Method 245.7) .....	2040-AD52
3591	SAN No. 4378 Revisions to Method Detection and Quantification for Use Under the Clean Water Act and Safe Drinking Water Act .....	2040-AD53
3592	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces - Phase II .....	2040-AD39
3593	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
3594	SAN No. 3234 Revision of NPDES Industrial Permit Application Requirements and Form 2C—Wastewater Discharge Information .....	2040-AC26
3595	SAN No. 4375 Revision to Clean Water Act Regulatory Definition of "Fill Material" .....	2040-AD51
3596	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

## CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3597	SAN No. 2805 Effluent Guidelines and Standards for the Centralized Waste Treatment Industry .....	2040-AB78
3598	SAN No. 3767 Reformatting of Effluent Guidelines and Standards in 40 CFR Parts 401 Through 471 .....	2040-AC79
3599	SAN No. 4086 Effluent Guidelines and Standards for Synthetic-Based Drilling Fluids in the Oil and Gas Extraction Point Source Category (Revisions) .....	2040-AD14
3600	SAN No. 4364 Effluent Guidelines and Standards for the Organic Chemicals, Plastics and Synthetic Fibers Category .....	2040-AD45
3601	SAN No. 4195 Water Quality Standards for Alabama—Phase I .....	2040-AD25
3602	SAN No. 4235 Amend the Final Water Quality Guidance for the Great Lakes System to Prohibit Mixing Zones for Bioaccumulative Chemicals of Concern .....	2040-AD32
3603	SAN No. 4422 Promulgation of Provisions in the Final Water Quality Guidance for the Great Lakes System for Waters Within the Great Lakes Basin .....	2040-AD66
3604	SAN No. 4261 Further Revisions to Clean Water Act Definition of Discharge of Dredged Material .....	2040-AD41
3605	SAN No. 4207 Round I Sewage Sludge Use or Disposal Rule — Phase Two Amendments .....	2040-AC53
3606	SAN No. 4440 Site-Specific Rule Under XL To Grant Waiver From BMP Regulations Under CWA Cluster Rules ...	2090-AA12

## SAFE DRINKING WATER ACT (SDWA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3607	SAN No. 4212 Use of Screening Methods for Compliance Monitoring of Drinking Water Contaminants .....	2040-AD31
3608	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb .....	2040-AC13
3609	SAN No. 4447 Drinking Water: Regulatory Determinations Regarding Contaminants on the Drinking Water Contaminant Candidate List .....	2040-AD61
3610	SAN No. 4424 6-Year Review of Existing National Primary Drinking Water Regulations .....	2040-AD67

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SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3611	SAN No. 4341 National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule .....	2040-AD37
3612	SAN No. 4342 National Primary Drinking Water Regulations: Stage 2 Disinfectants/Disinfection Byproducts Rule ...	2040-AD38
3613	SAN No. 4369 Regulated Drinking Water Contaminant Occurrence Reporting .....	2040-AD48
3614	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR .....	2040-AD54
3615	SAN No. 4451 Underground Injection Control Class V Phase 2 Revisions .....	2040-AD63

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3616	SAN No. 2281 National Primary Drinking Water Regulations: Radon .....	2040-AA94
3617	SAN No. 2340 National Primary Drinking Water Regulations: Ground Water Rule .....	2040-AA97
3618	SAN No. 2807 National Primary Drinking Water Regulations: Arsenic and Clarifications to Compliance and New Source Contaminant Monitoring .....	2040-AB75
3619	SAN No. 3176 National Primary Drinking Water Regulations: Sulfate .....	2040-AC07
3620	SAN No. 4147 National Primary Drinking Water Regulations: Long Term 1 Enhanced Surface Water Treatment Rule .....	2040-AD18
3621	SAN No. 4146 National Primary Drinking Water Regulations: Filter Backwash Recycling Rule .....	2040-AD65
3622	SAN No. 4236 Update of State Underground Injection Control Programs .....	2040-AD40

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3623	SAN No. 4373 Unregulated Contaminant Monitoring Rule - List 2 .....	2040-AD58
3624	SAN No. 3563 Reformatting of Drinking Water Regulations .....	2040-AC41
3625	SAN No. 3992 National Primary Drinking Water Regulations: Radium, Uranium, Alpha, Beta and Photon Emitters .....	2040-AC98
3626	SAN No. 4281 Revision to the Interim Enhanced Surface Water Treatment Rule (IESWTR) and the Stage 1 Disinfectants and Disinfection Byproducts Rule (DBPR) and Primacy Requirements .....	2040-AD43
3627	SAN No. 4152 Drinking Water State Revolving Fund Regulations .....	2040-AD20

SHORE PROTECTION ACT (SPA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3628	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations .....	2040-AB85

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prerule Stage

General

**3205. • NEW JERSEY GOLD TRACK PROJECT XL RULE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Gold Track Program is a crucial part of NJDEP's efforts to create a State-run tiered performance-based program. Currently, facilities may join NJDEP's Silver Track Program, which is a lower-level tier that provides recognition for commitments to a certain level of environmental

enhancement. Gold Track expands upon these environmental commitments, and offers proportionally greater recognition, as well as actual federal regulatory flexibility to participating facilities. NJDEP is partnering with EPA in the Gold Track effort under the XL program, so as to

## EPA—General

## Prerule Stage

be able to offer federal regulatory flexibility to Gold Track participants.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** State

**Additional Information:** SAN No. 4533

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**RIN:** 2002-AA00

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Proposed Rule Stage

## General

**3206. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 33

**Legal Deadline:** None

**Abstract:** The regulation will codify revisions to the Agency's program for the utilization of Small, Minority and Women's Business Enterprises in procurements under assistance agreements (i.e., grants and cooperative agreements awarded by EPA as well as grants and cooperative agreements awarded by other agencies under interagency agreements with EPA). The revisions are necessary to ensure consistency with the Supreme Court's decision in *Adarand Constructors, Inc. v. Pena*, 115 S.Ct. 2097 (1995), and were identified as part of the Clinton Administration's review of affirmative action programs. They include: (1) placing greater emphasis on requiring assistance agreement recipients to submit documentation supporting proposed fair share procurement objectives for Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) based on the availability of qualified MBEs and WBEs in the relevant geographic market; (2) authorizing or requiring recipients and their prime contractors to take reasonable race/gender-conscious measures (e.g., bidding credits) in the event that race/gender-neutral efforts prove inadequate to meet fair share objectives; and (3) administering statutory MBE/WBE objectives as a national goal, allowing smaller or larger fair share objectives for particular grants or cooperative

agreements based on the availability standard.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 4056

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**RIN:** 2020-AA39

**3207. REVISION TO EPAAR 1552.211-73, LEVEL OF EFFORT**

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

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

**CFR Citation:** 48 CFR 1552

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	08/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4191

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**RIN:** 2030-AA64

**3208. 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

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this information is critical in order for the Agency to decide whether or not COI situations exist and how they are to be handled. This revised rule will also codify several COI clauses that have been developed since the issuance of the previous rule in 1994.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	09/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 4319

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

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**RIN:** 2030-AA67

**3209. INCREMENTALLY FUNDING FIXED PRICE CONTRACTS**

**Priority:** Substantive, Nonsignificant

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

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

**CFR Citation:** 48 CFR 1532

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	08/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 3876

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**RIN:** 2030-AA50

**3210. 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 Government-wide 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	FR Cite
NPRM	08/00/01	
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3817

This is an assistance-related statutory requirement. There is no paperwork burden associated with this action.

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**RIN:** 2030-AA48

**3211. ENVIRONMENTAL IMPACT ASSESSMENT OF NONGOVERNMENTAL ACTIVITIES IN ANTARCTICA**

**Priority:** Other Significant

**Legal Authority:** 16 USC 2401 et seq, as amended; 16 USC 2403(a); PL 104-227

**CFR Citation:** 40 CFR 8

**Legal Deadline:** Final, Statutory, October 2, 1998, The Interim Final Rule, effective 7/14/98, through the year 2000-2001 austral summer.

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**Abstract:** The purpose of this action is to develop regulations for: (1) the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Antarctic Treaty and (2) coordination of the review of information regarding environmental impact assessment received by the United States from other parties under the Protocol on Environmental Protection. The Office of Federal Activities (OECA/OFA) will use the decisionmaking process of the National Environmental Policy Act (NEPA) to analyze the environmental setting; the types of nongovernmental activities, including tourism, to be addressed by the regulations; their potential for impact; and the alternatives available under rulemaking for environmental impact assessments for nongovernmental activities. An interim final rule, 40 CFR part 8, promulgated April 30, 1997, and on July 15, 1998 extended through the 2000-2001 austral summer, will be replaced by a final rule. The interim final rule was effective immediately so that the U.S. could ratify the Protocol and implement its obligations under the Protocol as soon as it entered into force. These rules are being developed in coordination with other Federal agencies with specific interests in and expertise with Antarctica including the Department of State, National Science Foundation, National Oceanic and Atmospheric Administration, U.S. Coast Guard, Marine Mammal Commission, Department of Justice, and the Council on Environmental Quality.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/30/97	62 FR 23538
Extend Effective Date Interim Rule	04/15/98	63 FR 18352
NPRM	04/00/01	
Final Action	05/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** SAN No. 3933

Interim Final Rule-  
<http://www.epa.gov/fedrgstr/EPA-IMPACT/1997/April/Day-30/i11075.htm>

Extend Effective Date-  
<http://www.epa.gov/fedrgstr/EPA-IMPACT/1998/April/Day-15/i10007.htm>

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**RIN:** 2020-AA34**3212. PROPOSED REVISION TO EPA'S IMPLEMENTING NEPA REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4321**CFR Citation:** 40 CFR 6**Legal Deadline:** None

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

**Timetable:**

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

**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**3213. 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 what changes are needed to make the regulations as efficient and effective as possible. Provision 40 CFR 2.205(c), which automatically protects CBI substantiations claimed as confidential, is being examined individually and as part of the CBI regulations as a whole.

**Timetable:**

Action	Date	FR Cite
NPRM/CBI Regs Proposal to revise EPA's CBI regulations	11/23/94	59 FR 60446

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Action	Date	FR Cite
Final/CBI Substant. Final rule to eliminate special treatment of substantiations	04/00/01	
NPRM/CBI Regs Proposal to revise CBI regs--40 CFR Part 2, Subpart B	To Be Determined	
Final Rule/CBI Regs Final rule revising CBI regs--40 CFR Part 2, Subpart B	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3240

Formerly listed as RIN 2020-AA21.

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**RIN:** 2025-AA02

**3214. CROSS-MEDIA ELECTRONIC REPORTING (ER) AND RECORDKEEPING RULE**

**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:** The Cross-Media Electronic Reporting (ER) and Recordkeeping Rule will provide a uniform legal framework for paperless electronic reporting and recordkeeping, including electronic signature/ certification, across EPA's environmental compliance programs. The rule will both remove current legal requirements for paper that create obstacles to electronic reporting and recordkeeping and provide for mechanisms to assure the legal validity and authenticity of electronic documents and associated electronic

signatures, whether transmitted as reports or maintained as records. This rule is important because the legal and electronic signature issues remain the chief obstacle to implementation of paperless electronic reporting, and affect the overall enforceability of environmental programs both federally and under state delegation/authorization. Also, the Government Paperwork Elimination Act of 1998 requirements and the Administrator's Reinventing Environmental Information (REI) Action Plan goal of universal ER availability by 2003 can only be met if this rulemaking has active participation by the AA-ships and moves on a fast track.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 4270  
 Formerly listed as RIN 2020-AA41.

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**RIN:** 2025-AA07

**3215. PERSISTENT, BIOACCUMULATIVE, AND TOXIC (PBT) POLLUTANTS STRATEGY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The U.S. Environmental Protection Agency (EPA) has developed

National Action Plans under a national strategy to overcome the remaining challenges in addressing 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 committing, through this strategy, to create an enduring cross-office system that will address the cross-media issues associated with priority PBT pollutants. This strategy fortifies existing EPA commitments related to priority PBTs, such as the 1997 Canada / U.S. Binational Toxics Strategy (BNS), the North American Agreement on Environmental Cooperation, and the recently released Clean Water Action Plan. 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 carrying out this strategy through the implementation of National Action Plans for Priority PBT Pollutants. EPA is initially focusing action on 12 BNS Level 1 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 its tools to prevent and reduce releases of these substances. These tools include international, voluntary, regulatory, programmatic, remedial, compliance monitoring and assistance, enforcement, research, and outreach 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.

**Timetable:**

Action	Date	FR Cite
Notice Multimedia Strategy for PBTs	11/17/98	63 FR 63926
Notice Draft Action Plan for Mercury	09/16/99	64 FR 50284
Notice Proposed Action Plan for Alkyl-lead	08/25/00	65 FR 51823

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Action	Date	FR Cite
Notice Proposed 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 Draft Action Plan for Benzo(a)pyrene (B(a)P)	05/00/01	
Notice Final Action Plan for Mercury	08/00/01	

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

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**RIN:** 2070-AD45**3216. REGULATORY INCENTIVES FOR THE NATIONAL ENVIRONMENTAL ACHIEVEMENT TRACK PROGRAM****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The National Environmental Achievement 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 Achievement Track by submitting an application that documents that four specific criteria are met. 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 by publically owned treatment works (POTWs) under the Clean Water Act; and opportunity for Achievement Track facilities to consolidate reporting under various environmental statutes into a single report.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State**Federalism:** Undetermined**Additional Information:** SAN No. 4473

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**RIN:** 2090-AA13**3217. • 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 WSTF Electronic Reporting site specific rule is to enable the NASA White Sands Test Facility 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	FR Cite
NPRM	05/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 4536

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**RIN:** 2090-AA27

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

## General

**3218. EPAAR COVERAGE ON LOCAL HIRING AND TRAINING****Priority:** Other Significant**Legal Authority:** 5 USC 301, sec 205(c); 63 Stat 390 as amended**CFR Citation:** 48 CFR 1526; 48 CFR 1552**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	12/09/98 06/00/01	63 FR 67845

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

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4187

NPRM-

<http://www.epa.gov/fedrgstr/EPA->

GENERAL/1998/December/Day-09/g32683.htm

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**RIN:** 2030-AA62**3219. INCORPORATING INFORMAL CLAUSES (EP) INTO THE EPAAR****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 301, sec 205(c); 63 Stat 390, as amended**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This rule is being promulgated to amend the EPAAR to incorporate Environmental Protection (EP) clauses into the EPAAR. There are a large number of EP clauses being used by contracting officers. This promulgation will capture those EP clauses that have not been submitted for public comment. Most of the EP clauses are used in contracts on a case-by-case basis. The contractor concurs with use of such clauses.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Final Action	10/02/00 06/00/01	65 FR 58921

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

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4226

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**RIN:** 2030-AA66**3220. INCORPORATION OF CLASS DEVIATIONS INTO EPAAR****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c)**CFR Citation:** 48 CFR 1537; 48 CFR 1552**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	03/16/00 06/00/01	65 FR 14405

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

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 3580

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**RIN:** 2030-AA37**3221. REWRITING OF EPA REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552**CFR Citation:** 40 CFR 2**Legal Deadline:** None

**Abstract:** This document proposes revisions to EPA's regulations under the Freedom of Information Act (FOIA). The FOIA regulations have been streamlined and written in plain English wherever possible. These revisions reflect the principles established by President Clinton and Attorney General Reno in their FOIA Policy Memoranda of October 4, 1993. They also reflect developments in the case law and include updated cost figures for calculating and charging fees. In addition, the proposed revisions include provisions implementing the Electronic Freedom of Information Act Amendments of 1996. These revisions will simplify and expedite responses to FOIA requests.

**Timetable:**

Action	Date	FR Cite
NPRM Revised Freedom of Information Act Regulations	04/12/00	65 FR 19703
Final Action Revised Freedom of Information Act Regulations	06/00/01	

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

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## Final Rule Stage

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4180

Formerly listed as RIN 2020-AA40.

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**RIN:** 2025-AA04

### 3222. ELECTRONIC FUNDS TRANSFER

**Priority:** Other Significant

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

**CFR Citation:** 48 CFR 1532.11

**Legal Deadline:** None

**Abstract:** This rule complies with the revised Federal Acquisition Regulations (FAR) coverage regarding implementation of the Debt Collection Improvement Act. Because the revised FAR offers choices in implementation, each agency must communicate with its vendor community its choices. This rule will let our vendor community know that EPA will require the use of FAR Clause 52.232-34, Payment by Electronic Funds Transfer (Non-CCR), as prescribed in FAR 32.1105(a)(2). Within the Clause, under (c) the payment office shall be inserted as the prescribed designated office. Further inserted shall be that the required EFT information shall be provided no later than 15 days prior to submission of the first request for payment.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4185

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**RIN:** 2030-AA57

### 3223. WARRANTS FOR ON-SCENE COORDINATORS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency (EPA) is amending the EPA Acquisition Regulations (EPAAR) to include a clause concerning the issuance of warrants for on-scene coordinators. The intent is to allow program officials with remedial type requirements to receive on-scene coordinator warrants so that they can issue letter contracts.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/01/01	66 FR 12897
Final Action	05/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4351

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**RIN:** 2030-AA68

### 3224. ADMINISTRATIVE CORRECTIONS TO EPAAR 1515, CONTRACTING BY NEGOTIATION

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

**Legal Authority:** 5 USC 301

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Administrative corrections will be made to EPAAR 1515 for clarification purposes.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4400

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**RIN:** 2030-AA73

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Long-Term Actions

## General

**3225. CONSOLIDATION OF GOOD LABORATORY PRACTICE STANDARDS (GLPS) REGULATIONS CURRENTLY UNDER TSCA AND FIFRA INTO ONE RULE****Priority:** Info./Admin./Other**Legal Authority:** 15 USC 2601 et seq; 7 USC 136 et seq**CFR Citation:** 40 CFR 160; 40 CFR 792**Legal Deadline:** None

**Abstract:** On November 29, 1983, EPA published Good Laboratory Practice Standards (GLPS) regulations intended to help ensure data integrity for studies required to support marketing and research permits under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). These rules were last amended on August 17, 1989. GLPS data integrity measures can be applied to a wide variety of scientific studies. Although the TSCA and FIFRA GLPS contain identical provisions, they were published as separate rules to account for statutory and program differences between TSCA and FIFRA, such as differences in records retention requirements. EPA believes it will be able to address the differences between TSCA and FIFRA, such as differences in records retention requirements. EPA believes it will be able to address the differences of those programs without duplicating the entire GLP standard in two places.

This action is intended to consolidate EPA's GLPS into one rule. Program-specific requirements will be addressed in either separate sections of the consolidated rule, or in separate rules as is determined appropriate. This action is not intended to change the requirements, applicability, or enforceability of GLPS with respect to any statute.

EPA has received comments from stakeholders regarding the understandability of many aspects of the GLPS, and over the years has issued numerous clarifications. EPA believes that some clarifications, if included directly in the rule, would make the rule easier to understand and enhance compliance. Therefore, EPA intends to include such clarifications where appropriate in this rulemaking. Finally, in the interest of maintaining consistency between EPA's and Food and Drug Administration's regulations, EPA will determine any modifications that have occurred to the FDA GLP rule

and consider incorporation of such changes into the EPA rule. This action will serve to reduce the total regulatory text in the Code of Federal Regulations by an estimated 10 pages, by consolidating 23 pages of text to approximately 13. In the process it will provide a generic GLP rule that may be used by other programs in the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/99	64 FR 3456
NPRM	12/29/99	64 FR 72972
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** SAN No. 3807

**Agency Contact:** David Stangel, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2225A, Washington, DC 20460

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**RIN:** 2020-AA26**3226. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250**CFR Citation:** 28 CFR 42.101 to 42.112; 28 CFR 42.501 to 42.540; 28 CFR 42.700 to 42.736**Legal Deadline:** None

**Abstract:** The Department of Justice proposes to make amendments to its regulations implementing Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1972 (Section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRA) added

definitions of program or activity and program to Title VI and added a definition of program or activity to Section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this proposed regulation explicitly incorporates the CRRA's definition of program or activity and program into the Department's Title VI, Section 504, and Age Discrimination Act regulations. The Department's proposed regulation will be published as part of a joint Notice of Proposed Rulemaking involving up to 24 Federal agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4021

**Agency Contact:** Ann Goode, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 1201, Washington, DC 20460

Phone: 202 564-7272

**RIN:** 2020-AA36**3227. 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.

## EPA—General

## Long-Term Actions

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3671

**Agency Contact:** William Wood, Environmental Protection Agency, Office of Research and Development, 8103, Washington, DC 20460  
Phone: 202 564-3358

**RIN:** 2080-AA06

**3228. • EPA DRAFT 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 revised policy is being issued as the Draft 2000 Public Involvement Policy for 120-day public comment. The Draft Policy was updated to reflect changes over the past nineteen years such as additional Agency responsibilities, new regulations, expanded public involvement techniques, and the changed nature of public access due to the Internet. The Policy will provide guidance and direction to EPA officials on reasonable and effective means to

involve the public in its regulatory and program decisions.

**Timetable:**

Action	Date	FR Cite
Draft Policy in FR Draft Public Involvement Policy	12/28/00	65 FR 82335
Final Action Final Public Involvement Policy	To Be	Determined

**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

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Completed Actions

## General

**3229. REVISION TO 40 CFR 35 SUBPART A AND PROMULGATION OF PERFORMANCE PARTNERSHIP (STATE) GRANT REGULATION**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 35

**Completed:**

Reason	Date	FR Cite
Final Action	01/09/01	66 FR 1725
Final Action Effective Date Delayed	02/07/01	66 FR 9602
Final Action Effective	04/09/01	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Agency Contact:** Scott McMoran  
Phone: 202 564-5376

**RIN:** 2030-AA55

**3230. REVISION TO 40 CFR 35 SUBPART A AND PROMULGATION OF PERFORMANCE PARTNERSHIP (TRIBAL) GRANT RULE**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 35

**Completed:**

Reason	Date	FR Cite
Final Action	01/16/01	66 FR 3781
Final Action Effective Date Delayed	02/09/01	66 FR 9661
Final Action Effective	04/17/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Tribal, Federal

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**RIN:** 2030-AA56

**3231. EPA MENTOR-PROTEGE PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 1544; 48 CFR 1552

**Completed:**

Reason	Date	FR Cite
Interim Final Rule Merged Into RIN 2030-AA66, SAN 4226	10/02/00	65 FR 58921
	03/13/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2030-AA40

## EPA—General

## Completed Actions

**3232. DELETION OF EPA ACQUISITION REGULATIONS FOR QUALITY SYSTEMS FOR ENVIRONMENTAL PROGRAMS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 1546.2**Completed:**

Reason	Date	FR Cite
Final Action	12/20/00	65 FR 79781

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Linda Avellar

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**RIN:** 2030-AA51**3233. • JOINT RULE AMENDING FEDERAL NONDISCRIMINATION REGULATIONS: DEFINITION FOR PROGRAM OR ACTIVITY****Priority:** Other Significant**Legal Authority:** 20 USC 1682 et seq**CFR Citation:** 28 CFR 54 (New)**Legal Deadline:** None

**Abstract:** On June 17, 1980, the Department of Justice published a proposed regulation to implement the requirements of title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of an individual's sex in federally assisted educational programs. That regulation was never issued in final form. As a result of subsequent statutory amendments, it was necessary to revise the prior proposed title IX regulation and begin a new rulemaking process.

The Department's regulation was published as a common rule with other agencies that need title IX regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/29/99	64 FR 58567
NPRM Comment	12/28/99	
Period End		
Final Action	08/30/00	65 FR 52858
Final Action Effective	09/29/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4483

**Agency Contact:** Mike Mattheisen, Environmental Protection Agency, Office of Enforcement and Compliance Assurance

Phone: 202 564-7291

**RIN:** 2020-AA43**3234. BUSINESS OWNERSHIP REPRESENTATION****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 1504**Completed:**

Reason	Date	FR Cite
Final Action	12/05/00	65 FR 75863

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

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**RIN:** 2030-AA69**3235. CONTRACTOR DIVERSITY CLAUSE****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Completed:**

Reason	Date	FR Cite
Withdrawn - No Further Action	04/18/01	

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

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**RIN:** 2030-AA70**3236. REPORT ON PM2.5 FEDERAL REFERENCE METHOD FIELD STUDY****Priority:** Info./Admin./Other**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Report to Congress Submitted to Congress	01/18/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Elizabeth Hunike

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**RIN:** 2080-AA09

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Proposed Rule Stage

## Clean Air Act (CAA)

**3237. PERFORMANCE WARRANTY AND INSPECTION/MAINTENANCE TEST PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7541; 42 USC 7601**CFR Citation:** 40 CFR 51; 40 CFR 85**Legal Deadline:** None

**Abstract:** This action establishes a new short test procedure for use in I/M programs required by the Clean Air Act

Amendments of 1990. Vehicles that are tested and failed using this procedure and that meet eligibility requirements established by the act would be eligible for free warranty repair from the manufacturers.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	01/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Federal**Additional Information:** SAN No. 3263

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**RIN:** 2060-AE20

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3238. INSPECTION/MAINTENANCE  
RECALL REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7511(a)(2)(b);  
42 USC 7511(a)(2)(b)(2)**CFR Citation:** 40 CFR 51**Legal Deadline:** None**Abstract:** This action specifies requirements for enhanced I/M programs to establish a program to ensure compliance with recall notices. This is pursuant to the Clean Air Act Amendments of 1990.**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3262**Agency Contact:** Buddy Polovick,  
Environmental Protection Agency, Air  
and Radiation, Washington, DC 20460  
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Email: polovick.buddy@epa.gov**RIN:** 2060-AE22**3239. OPERATING PERMITS:  
REVISIONS (PART 70)****Priority:** Other Significant**Legal Authority:** 42 USC 7661 et seq**CFR Citation:** 40 CFR 51; 40 CFR 52;  
40 CFR 70**Legal Deadline:** None**Abstract:** In response to litigation on the operating permits rule regulations, 40 CFR part 70, to provide more effective implementation of part 70, and to address comments provided in response to notices of proposed rulemaking, parts 70, 51 and 52 are being revised. The changes streamline the procedures for revising stationary-source operating permits issued by State and local permitting authorities under title V of the Clean Air Act.**Timetable:**

Action	Date	FR Cite
NPRM	08/29/94	59 FR 44460
Supplemental NPRM Part 71	04/27/95	60 FR 20804
Supplemental NPRM Part 70	08/31/95	60 FR 45530

Action	Date	FR Cite
Direct Final Interim Approval Extension	07/27/98	63 FR 40054
NPRM Interim Approval Extension	07/27/98	63 FR 40053
NPRM	08/00/01	
Final Action	08/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses,  
Governmental Jurisdictions**Government Levels Affected:** State,  
Local**Additional Information:** SAN No. 3412**Agency Contact:** Ray Vogel,  
Environmental Protection Agency, Air  
and Radiation, MD-12, Research  
Triangle Park, NC 27711  
Phone: 919 541-3153  
Email: vogel.ray@epa.gov**RIN:** 2060-AF70**3240. AMENDMENTS TO METHOD 24  
(WATER-BASED COATINGS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 60**Legal Deadline:** Final, Statutory, June  
15, 2001.**Abstract:** The determination of volatile organic compounds (VOCs) content of a surface coating by reference Method 24 involves determination of its water content and calculation of its VOC content as the difference of the two measurements (volatile content minus water content). Method 24 is inherently less precise for water-based coatings than it is for solvent-based coatings and the imprecision increases as water content increases. This action will amend Method 24 by adding a direct measurement procedure for measuring VOC content of water-based coatings. This amendment will improve the precision of Method 24 for water-based coatings.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	
Final Action	09/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3649**Agency Contact:** Candace Sorrell,  
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**RIN:** 2060-AF72**3241. SERVICE INFORMATION  
AVAILABILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7521(m)**CFR Citation:** 40 CFR 86**Legal Deadline:** None**Abstract:** This rule will require manufacturers of automobiles to provide necessary information needed to make use of emission control diagnostic systems as well as that needed to make emission-related diagnosis and repairs by any person engaged in the repairing or servicing of motor vehicles or motor vehicle engines. This will allow independent service repair garages, individual owners, parts manufacturers, etc., to have access to emission control information to better service automobiles and ensure clean air compliance requirements.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3741**Agency Contact:** Holly Pugliese,  
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and Radiation, Ann Arbor, MI 48105  
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**RIN:** 2060-AG13

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3242. 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	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**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

**3243. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, Federal

**Additional Information:** SAN No. 3917

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**RIN:** 2060-AH31

**3244. STREAMLINED EVAPORATIVE TEST PROCEDURES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This action will streamline the test procedure used to establish compliance with evaporative emission requirements for light duty vehicles and trucks. The current test procedure requires both two and three day diurnal emission tests, as well as running-loss testing. The revisions will delete the three day requirement and add flexibilities for running-loss compliance. This will enable manufacturers to save significant resources without any decrease in environmental benefits.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3910

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Phone: 734 214-4480

**RIN:** 2060-AH34

**3245. NESHAP: COKE OVENS: PUSHING, QUENCHING, AND BATTERY STACKS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** There are currently 25 active domestic coke plants, 20 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)

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

for three specific operations associated with coke ovens, namely pushing, quenching, and battery stacks.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	03/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4022

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

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**RIN:** 2060-AH55

### 3246. RULEMAKING TO MODIFY THE LIST OF SOURCE CATEGORIES FROM WHICH FUGITIVE EMISSIONS ARE CONSIDERED IN MAJOR SOURCE DETERMINATIONS

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

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

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

**Legal Deadline:** None

**Abstract:** This rulemaking will modify the list of source categories for which fugitive emissions are to be considered in major source determinations under the New Source Review (Prevention of Significant Deterioration and Nonattainment New Source Review) and title V programs. As provided by section 302(j) of the Act, EPA adopted rules on August 7, 1980 that require, for specific source categories, the inclusion of fugitive emissions when determining if a stationary source is a major source. In its 1980 rulemaking,

EPA identified one such specific source category as those stationary source categories being regulated, as of August 7, 1980, under section 111 or 112 of the Clean Air Act. Moreover, EPA indicated that at the time of any future rulemaking proposing to regulate additional categories of sources under section 111 or 112, the EPA would conduct a parallel rulemaking under section 302(j) to determine whether fugitive emissions from sources within these source categories needed to be considered in determining whether the sources were major stationary sources. EPA did not conduct these parallel rulemakings as intended and is now conducting a rulemaking pursuant to section 302(j) to address the source categories which became subject to section 111 and 112 standards after August 7, 1980.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	
Final Action	10/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4045

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**RIN:** 2060-AH58

### 3247. PROTECTION OF STRATOSPHERIC OZONE: ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT & EXPORT

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The Stratospheric Protection Division currently oversees an allowance allocation system for the class I ozone-depleting substances. An allowance allocation system for class II ozone-depleting substances or

hydrochlorofluorocarbons (HCFCs) had not been established prior to 1998 because consumption figures had hovered around 80% of the cap imposed by the Montreal Protocol in 1992. The HCFC consumption figures for 1999 indicate that the US is within 95% of the cap; the figures for 2000 were in the low 90s. Since the US is in danger of violating this cap if high HCFC consumption rates continue into 2001, the system for allocating allowances must be in place as soon as possible in order to control HCFC consumption for all four quarters of 2002.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/04/99	64 FR 16373
NPRM	05/00/01	
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4120  
Additional deadline: Montreal Protocol. The Protocol requires compliance with formulary caps of all parties' consumption and production of HCFCs. The ANPRM is available on the Internet at:

<http://www.epa.gov/fedrgstr/EPA-AIR/1999/>

April/Day-05/a8258.htm

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**RIN:** 2060-AH67

### 3248. NESHAP: FUMED SILICA PRODUCTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAAA Section 112; EO 12866

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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**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.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4111

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

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**RIN:** 2060-AH72

**3249. NESHAP: HYDROCHLORIC ACID PRODUCTION INDUSTRY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**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

**3250. NESHAP: ASPHALT/COAL TAR APPLICATION ON METAL PIPES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

metal pipes may reasonably be anticipated to emit several of the 189 HAPs listed in section 112(b) of the CAA. As a consequence, a regulatory development program is being pursued for the asphalt/coal tar application on metal pipes industry to promulgate emission standards.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4107

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

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**RIN:** 2060-AH78

**3251. NESHAP: CLAY MINERALS PROCESSING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**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

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require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the clay products manufacturing industry 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 clay products manufacturing industry to promulgate emission standards. EPA plans to propose four separate standards for the clay products manufacturing industry (see 64 FR 63028, 11/18/99). This action will propose and promulgate standards for the clay minerals processing portion of the industry.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 4113

**Sectors Affected:** 327121 Brick and Structural Clay Tile Manufacturing; 327122 Ceramic Wall and Floor Tile Manufacturing; 327123 Other Structural Clay Product Manufacturing; 327124 Clay Refractory Manufacturing; 212324 Kaolin and Ball Clay Mining; 327992 Ground or Treated Mineral and Earth Manufacturing

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**RIN:** 2060-AH79**3252. NESHAP: URANIUM HEXAFLUORIDE PRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This project will develop national emissions standards for hazardous air pollutants (NESHAP) by establishing emissions limitations for hazardous air pollutants (HAP) which can be emitted by the two known sources in this category. The emissions limitations are to be based upon the application of the maximum achievable control technology (MACT). The purpose of the NESHAP is to reduce emissions of HAP to protect public health and the environment. The project will begin in 2000. Initially, information on the industry processes and emissions of HAP will be analyzed to identify available emissions control technologies. That work will be followed by the development, proposal and promulgation of NESHAP.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 4098

**Sectors Affected:** 331419 Primary Smelting and Refining of Nonferrous Metal (except Copper and Aluminum)

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**RIN:** 2060-AH83**3253. PERFORMANCE SPECIFICATION 16 - SPECIFICATIONS AND TEST PROCEDURES FOR PREDICTIVE EMISSION MONITORING SYSTEMS IN STATIONARY SOURCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411 CAA sec 111**CFR Citation:** 40 CFR 60**Legal Deadline:** Final, Statutory, April 15, 2001.

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

**Timetable:**

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

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

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

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RIN: 2060-AH84

**3254. TECHNICAL CHANGE TO DOSE METHODOLOGY FOR 40 CFR 191, SUBPART A****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No. 3 of 1970; Nuclear Waste Policy Act of 1982**CFR Citation:** 40 CFR 190(B); 40 CFR 191(A)**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4003**Agency Contact:** Ray Clark, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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RIN: 2060-AH90

**3255. RULEMAKING ON SECTION 126 PETITIONS FROM NEW YORK AND CONNECTICUT REGARDING SOURCES IN MICHIGAN****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 (Michigan v. EPA, No. 98-1497) 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 on the NOx SIP Call, 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, in light of the court ruling, EPA is proposing to withdraw its section 126 findings and control requirements under the 1-hour ozone standard 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 proposal does not raise any novel legal or policy issues. It is consistent with the Court ruling on the NOx SIP Call and EPA's new proposed action on the NOx SIP Call.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

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

Undetermined

**Additional Information:** SAN No. 4464

Split from RIN 2060-AH88.

**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation**Agency Contact:** Carla Oldham, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711

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RIN: 2060-AJ36

**3256. NESHAP: RECIPROCATING INTERNAL COMBUSTION ENGINE****Priority:** Economically Significant.

Major under 5 USC 801.

**Legal Authority:** 42 USC 7412 CAA sec 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	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** SAN No. 3656**Agency Contact:** Sims Roy, Environmental Protection Agency, Air

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**RIN:** 2060-AG63

### 3257. NESHAP: COMBUSTION TURBINE

**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 sec 112

**CFR Citation:** 44 CFR 63

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

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

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** Local

**Additional Information:** SAN No. 3657

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**RIN:** 2060-AG67

### 3258. NESHAP: IRON FOUNDRIES 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	FR Cite
NPRM	06/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 3343

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

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**RIN:** 2060-AE43

### 3259. NESHAP: INTEGRATED IRON AND STEEL

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

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

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

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/01	
Final Rule	03/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 3346

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**RIN:** 2060-AE48

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**3260. NESHAP: REINFORCED PLASTIC COMPOSITES PRODUCTION****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, November 15, 2000.

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**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**3261. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING AND MISCELLANEOUS COATING MANUFACTURING****Priority:** Other Significant**Legal Authority:** 42 USC 7412 CAAA sec 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 the HON or other MACT standards. The regulation will control process vents (continuous and batch, including mixing operations), equipment leaks, storage tanks, wastewater, solvent recovery, and heat exchange systems.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**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**3262. NESHAP: CHLORINE PRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAAA sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The chlorine production source category includes facilities engaged in the production of chlorine and sodium hydroxide (caustic) by one of the following electrolytic processes: diaphragm cell, membrane cell, and mercury cell. Hazardous air pollutants emitted include chlorine, hydrogen chloride, and mercury. None of the facilities are major sources on their own. However, several are co-located with major sources (e.g., pulp and paper plants, polymer plants, synthetic organic chemical plants, etc.). Emissions of chlorine and hydrogen chloride are very minor and the Agency is evaluating whether regulation of these HAPs is warranted. Relative to mercury, which is among five pollutants listed for regulation under section 112(c)(6) due to their persistent and bioaccumulative effects, the Agency intends to subject to regulation under section 112(d)(2) all mercury cell facilities regardless of major source status.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	04/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 3449

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**RIN:** 2060-AE85**3263. AMENDMENTS TO GENERAL PROVISIONS SUBPARTS A AND B FOR 40 CFR 63****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAA sec 112; PL 101-549**CFR Citation:** 40 CFR 63.1 to 63.15; 40 CFR 63.50 to 63.56**Legal Deadline:** None

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**Abstract:** The General Provisions (subpart A) were promulgated on March 16, 1994 (59 FR 12408). The General Provisions create the technical and administrative framework and establish general procedures and criteria for implementing MACT standards. On May 16, 1994, six litigants filed petitions for EPA to review certain provisions of the General Provisions. Subpart B, the procedures for implementing section 112(j), was promulgated on May 26, 1994. In June, 1994 litigants filed petitions for EPA to review the promulgated procedures. As a result of the litigation, it is anticipated that a number of technical and administrative amendments to subpart A and B will be proposed.

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/01	66 FR 16317
NPRM Comment Period End	05/22/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 3551

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**RIN:** 2060-AF31**3264. NESHAP: MISCELLANEOUS METAL PARTS AND PRODUCTS (SURFACE COATING)**

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

**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, May 1, 2001.

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State**Additional Information:** SAN No. 3825

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**RIN:** 2060-AG56**3265. NESHAP: ASPHALT ROOFING AND PROCESSING****Priority:** Other Significant**Legal Authority:** 42 USC 7412 CAAA sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, May 1, 2001.

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Interim Final	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 3655

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

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**RIN:** 2060-AG66**3266. NESHAP: REFRACTORIES MANUFACTURING****Priority:** Other Significant**Legal Authority:** 42 USC 7412 CAA sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The Clean Air Act requires 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 Act and to

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establish and meet dates for promulgation of emission standards for each of the listed categories of HAP emission sources. The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The refractory products manufacturing source category is included on the initial list of HAP-emitting categories under the name chromium refractories, and the rule is scheduled for promulgation within ten years of enactment of the Clean Air Act Amendments of 1990. Testing conducted and information obtained to date indicate 15 major sources exist in this source category and will be affected by this rulemaking. The EPA has determined that the refractory products manufacturing industry emits HAPs including chromium compounds, ethylene glycol, phenol, methanol, hydrochloric acid, formaldehyde, polycyclic organic matter (POM) and hydrogen fluoride; eight of the 189 HAPs listed in section 112 of the Act. Impacts on small businesses and on State/local/tribal governments are being assessed.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3652

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**RIN:** 2060-AG68

**3267. 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	FR Cite
NPRM	05/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3837

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**RIN:** 2060-AG69

**3268. NESHAP: LIME MANUFACTURING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Additional Information:** SAN No. 3651

**Sectors Affected:** 32741 Lime Manufacturing

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**RIN:** 2060-AG72

**3269. NESHAP: SEMICONDUCTOR PRODUCTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63 BBBB

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

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**Abstract:** This rule will establish a MACT (maximum available control technology) for semiconductor production facilities. There are currently 2 major sources that would be affected by the NESHAP. This action will result in little or no additional emission reduction but will establish a Federal MACT level for large facilities.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3902

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

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**RIN:** 2060-AG93

**3270. NESHAP: METAL CAN (SURFACE COATING) INDUSTRY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This action will result in the reduction of hazardous air pollutants emitted by the metal can industry. The Agency will study what pollutants are emitted and evaluate the control techniques, including pollution prevention, that are used to reduce these emissions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3906

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**RIN:** 2060-AG96

**3271. NESHAP: FABRIC PRINTING, COATING AND DYEING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	04/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**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

**3272. NESHAP: AUTOMOBILE AND LIGHT-DUTY TRUCK MANUFACTURING (SURFACE COATING)**

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

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This action will result in the reduction of hazardous air pollutants (HAPs) emitted from the coatings used by the automobile and light-duty truck manufacturing industry. The Agency will study the HAP emitted by the industry and will evaluate pollution prevention and other control techniques which can reduce these emissions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 3907

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**RIN:** 2060-AG99

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**3273. NESHAP: PRIMARY MAGNESIUM REFINING**

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

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

**CFR Citation:** 40 CFR 60

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**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

**3274. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Final standards under section 112(d) for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks (40 CFR 63, Subpart N) were promulgated on January 25, 1995. Since promulgation, the Agency has determined that a class of chromium electroplating operations were inadvertently excluded from regulation. Specifically, the final standards do not apply to sources engaged in continuous chromium electroplating of steel sheet used to make cans and other containers. It is the Agency's intent to regulate all facilities engaged in chromium electroplating. Therefore, the Agency plans to amend the chromium electroplating rule to extend its applicability to continuous chromium electroplating operations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 2841

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**RIN:** 2060-AH08

**3275. NESHAP: SITE REMEDIATION**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This rule will specify maximum achievable control technology for site remediation.

Hazardous air pollutant emissions from spills of organic liquids, the excavation, transportation, and treatment of contaminated soils and groundwater, and other operations will be considered in developing the rule.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 3968

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**RIN:** 2060-AH12

**3276. NESHAP: ROCKET ENGINE TEST FIRING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

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**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.**Additional Information:** SAN No. 3972**Agency Contact:** Rick Copland, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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Action	Date	FR Cite
NPRM	05/00/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3971**Agency Contact:** Martha Smith, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**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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Action	Date	FR Cite
NPRM	06/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State**Additional Information:** SAN No. 3826**Agency Contact:** Kim Teal, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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**3280. NESHAP: WOOD BUILDING PRODUCTS (SURFACE COATING)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	03/00/02	

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

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 3904

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

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**RIN:** 2060-AH02**3281. LOCATION OF SELECTIVE ENFORCEMENT AUDITS OF FOREIGN MANUFACTURED VEHICLES AND ENGINES; AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7525 CAA sec 206(b)**CFR Citation:** 40 CFR 86G (Revision); 40 CFR 86K (Revision)**Legal Deadline:** None

**Abstract:** This action would consider an amendment to the existing regulations to include ports of entry as a location for EPA selection of foreign produced vehicles and engines for SEA emissions testing at laboratories in the U.S. While the regulations do not specify EPA authority to conduct such port selections, the increased flexibility provided by port selections warrants amending the regulations. Presently, EPA must travel overseas to conduct SEA audits of foreign manufactured vehicles and engines, even though most manufacturers now have access to laboratory facilities in the U.S. The benefits include a reduction in Agency cost since fewer overseas trips would be necessary. Also, EPA would be able to conduct more audits of foreign manufactured vehicles and engines.

Separate from the provisions proposed in this NPRM for amendments to allow port selection for SEAs, EPA is also proposing to make two other amendments to 40 CFR part 86. The first would amend current Selective Enforcement Auditing regulations to change the minimum annual limit of Selective Enforcement Audits per manufacturer to two (2) per year. Currently, the minimum annual limit is one audit per manufacturer. Under the proposed amendments EPA would be able to perform a second audit on those manufacturers that might otherwise be limited to one audit.

The second additional proposed amendment to part 86 would delete from subparts A and E references to the Agency representation in certain types of administrative hearings. The two provisions state that the Office of General Counsel will represent the Agency in administrative procedures governing hearings on certification for light-duty vehicles, light-duty trucks, heavy-duty engines and motorcycles. The Agency is proposing to delete these two provisions in order to be consistent with other hearing procedures in part 86.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3139

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**RIN:** 2060-AD90**3282. REVIEW OF FEDERAL TEST PROCEDURES FOR EMISSIONS FROM MOTOR VEHICLES; TEST PROCEDURE ADJUSTMENTS TO FUEL ECONOMY AND EMISSION TEST RESULTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 101-549**CFR Citation:** 40 CFR 600; 40 CFR 86**Legal Deadline:** None

**Abstract:** This action considers potential adjustments to fuel economy and emission test results to compensate for test procedure changes previously adopted; it applies to light-duty vehicles and light-duty trucks. This aspect of the previous rulemaking (SAN 3323, RIN 2060-AE27) was deferred.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	04/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3979

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**RIN:** 2060-AH38

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**3283. PROTECTION OF STRATOSPHERIC OZONE: RECONSIDERATION OF SECTION 608 SALES RESTRICTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671(g) CAA sec 608**CFR Citation:** 40 CFR 82 subpart F**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	01/00/02	

**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**3284. • FEDERAL IMPLEMENTATION PLANS FOR INDIAN RESERVATIONS IN IDAHO, OREGON AND WASHINGTON****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 49.121 to 49.139; 40 CFR 49.9861 to 49.17810**Legal Deadline:** None

**Abstract:** This Federal Implementation Plan (FIP) proposes basic air rules to apply on Indian Reservations in Idaho, Oregon, and Washington. The rules provide some basic air quality protection similar to what the state implementation plans (SIPs) require for Idaho, Oregon, and Washington. These rules are needed to establish a level playing field and create basic federally enforceable rules under the Clean Air Act.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Tribal, Federal**Additional Information:** SAN No. 4487

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

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**RIN:** 2012-AA01**3285. • ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7); THIRD PARTY AUDIT PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412(r); 7601 (a)(1)**CFR Citation:** 40 CFR 68**Legal Deadline:** None

**Abstract:** This action establishes requirements, incentives, and procedures for third party audits of Risk Management Plans (RMPs) under 40 CFR part 68 that would reduce the need for, and thus the incidence of, government audits of RMPs submitted by facilities that volunteer for such an audit. In this context, a “third party” is someone not employed by either an RMP-regulated facility or a government agency responsible for implementing the RMP program (“implementing agency”).

In the preamble to the final Risk Management Program rule, EPA endorsed the concept of using third parties to assist in rule compliance and oversight (61 FR 31705), provided that any such proposal: not weaken the compliance responsibilities of facility owner/operators; offer cost savings and benefits to the industry, community, and implementing agencies that significantly exceed the cost of implementing the approach; lead to a net increase in process safety, particularly for smaller, less technically sophisticated facilities; and promote cost-effective agency prioritization of oversight resources. However, no specific criteria or requirements were specified in the RMP rule to regulate the activities of facilities, implementing agencies, or third parties with respect to third party assistance.

A facility’s participation in the third party audit program proposed by this action would be totally voluntary. For facilities who choose not to participate in the program, this action would have no effect. However if a facility participates, this regulation would establish the requirements and regulatory incentives for their participation. For participating sources, the action would offer the potential for reduced regulatory burden (while maintaining their compliance responsibilities), flexible auditing options, and other benefits, provided the source meets the applicable

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requirements described in the rule. This action also would specify the proposed qualification requirements for persons desiring to act as third party auditors.

EPA believes that this action would promote increased safety among facilities covered by the risk.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4511

**Sectors Affected:** 49312 Refrigerated Warehousing and Storage Facilities; 22132 Sewage Treatment Facilities; 22131 Water Supply and Irrigation Systems; 31161 Animal Slaughtering and Processing; 49311 General Warehousing and Storage Facilities; 42291 Farm Supplies Wholesalers; 42269 Other Chemical and Allied Products Wholesalers; 49313 Farm Product Warehousing and Storage Facilities; 32512 Industrial Gas Manufacturing; 11511 Support Activities for Crop Production

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**RIN:** 2050-AE85

**3286. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** Since the promulgation of the chromium electroplating NESHAP we have been informed of several sources that are experiencing difficulty in complying with the concentration limit for new sources even though they have installed and operate composite mesh

pad scrubber technology similar or identical to that used as the basis for the MACT emission limit. These sources operate new state-of-the-art plating tanks not encountered during rule development which feature enclosing hoods that completely cover the surface of the plating tank. This covered tank design allows for effective capture and ventilation at substantially lower exhaust air flow rates than otherwise encountered with more conventional exterior hooding. Although these sources exceed the new source standard concentration limit of 0.015 mg/dscm, actual mass rate emissions are more than 50 percent lower than would otherwise be achieved with more conventional hooding and higher ventilation rates. The chromium electroplating standard will be amended to include this alternative type of control system.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	10/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 4115

**Sectors Affected:** 332813

Electroplating, Plating, Polishing, Anodizing and Coloring

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**RIN:** 2060-AH69

**3287. CONTROL OF EMISSIONS FROM NONROAD LARGE SPARK-IGNITION ENGINES, RECREATIONAL ENGINES (MARINE AND LAND-BASED), 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:** NPRM, Judicial, September 29, 2000.  
Final, Judicial, December 31, 2001.

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

**Timetable:**

Action	Date	FR Cite
Proposed Finding	02/08/99	64 FR 6008
ANPRM Final Finding	12/07/00	65 FR 76790
NPRM	09/00/01	
Final Action	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4154

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

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**RIN:** 2060-AI11

**3288. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING QUARANTINE AND PRESHIPMENT METHYL BROMIDE AND TRADE BAN WITH NON-PARTIES TO THE MONTREAL PROTOCOL**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7414; 42 USC 7671 to 7671(q)

**CFR Citation:** 40 CFR 82.1 to 82.13

**Legal Deadline:** None

**Abstract:** The Montreal Protocol exempts quarantine and preshipment

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from the methyl bromide production and import baseline; therefore, a regulation must be promulgated to allow for the exemption in EPA's current allowance system.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	11/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4253

OLD TITLE: Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Methyl Bromide Used in the United States and Baseline Adjustments

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**RIN:** 2060-AI42

**3289. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER**

**Priority:** Economically Significant

**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, directed EPA to 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). As with other NAAQS reviews, a rigorous assessment

of relevant scientific information will be presented in a Criteria Document (CD), and the preparation of this document is currently under way by the EPA's National Center for Environmental Assessment. The EPA's Office of Air Quality Planning and Standards will also 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 SP and CD will be reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public; both 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 which will be published in July 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	
Final Action	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4255

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**RIN:** 2060-AI44

**3290. 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.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4340

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**RIN:** 2060-AI56

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**3291. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; PROPOSED AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 59**Legal Deadline:** None**Abstract:** Amendments to the consumer products rule are being proposed to clarify and correct the rule.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

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

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**RIN:** 2060-AI62**3292. NESHAP FOR THE PRINTING AND PUBLISHING INDUSTRY; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 1994.**Abstract:** The amendments will clarify the rule and ensure it reflects the EPA's intent.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	02/00/02	

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

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**RIN:** 2060-AI66**3293. NESHAP: BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, May 1, 2001.

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	02/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4325  
Split from RIN 2060-AH79.

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

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**RIN:** 2060-AI67**3294. NESHAP: CLAY CERAMICS MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	02/00/02	

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

Split from RIN 2060-AH79

**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

### 3295. PETITIONS TO DELIST HAZARDOUS AIR POLLUTANTS (E.G., MEK, EGBE, METHANOL, AND MIBK) FROM SECTION 112(B)(1) OF THE CAA

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Clean Air Act Section 112(b)(3)

**CFR Citation:** Not Yet Determined

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

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

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	07/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4313

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**RIN:** 2060-AI72

### 3296. NESHAP: ENGINE TEST FACILITIES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 4144  
 Split from RIN 2060-AH35

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**RIN:** 2060-AI74

### 3297. NESHAP: LIGHTWEIGHT AGGREGATE MANUFACTURING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** EPA is required under Section 112 of the Clean Air Act to develop maximum achievable control technology (MACT) standards for various industrial source categories. The lightweight aggregate manufacturing industry is currently part of the clay products MACT source category. However, EPA is developing a separate MACT standard for lightweight aggregate in anticipation that the current clay products source category will be broken down into 4 separate source categories, including lightweight aggregate. The lightweight aggregate manufacturing source category will be proposed at the time the MACT standard is proposed. Lightweight aggregate kilns that burn hazardous waste are subject to the hazardous waste combustor MACT standard.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4346

Split from RIN 2060-AH79

**Sectors Affected:** 327992 Ground or Treated Mineral and Earth Manufacturing

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RIN: 2060-AI75

### 3298. DEVELOPMENT OF REFERENCE METHOD FOR THE DETERMINATION OF SOURCE EMISSIONS OF FILTERABLE FINE PARTICULATE MATTER AS PM2.5

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 51 app M

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

**Abstract:** Under this action, EPA is initiating the publication of a reference test method that can be used to quantify that portion of particulate matter emissions that are solid at stack conditions and are equal to or less than 2.5 µm in aerodynamic diameter. This test method is to be used in conjunction with existing and future reference methods which are designed to quantify condensable particulate and particulate precursors. Condensable particulate is that portion of particulate matter emissions that are gaseous at stack conditions but which quickly condense to a solid form when released to the atmosphere. Particulate precursors are gaseous compounds which become solids as a result of chemical reactions in the atmosphere. This test method supports the amended National Ambient Air Quality Standard (NAAQS) for particulate matter which was promulgated on July 18, 1997. The NAAQS was revised by adding new standards for particulate of 2.5 µm aerodynamic diameter. An important foundation element of State efforts to attain the NAAQS will be the development of reliable inventories of baseline particulate and particulate precursor emissions. The emission inventories developed should be based upon credible source tests of individual facilities or emission factors developed from credible source tests. At the present time there is no reference test method available for quantifying the filterable particulate matter of 2.5 µm aerodynamic diameter from emission sources.

#### Timetable:

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

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4306

**Sectors Affected:** 21231 Stone Mining and Quarrying; 221112 Fossil Fuel Electric Power Generation; 3212 Veneer, Plywood and Engineered Wood Product Manufacturing; 32411 Petroleum Refineries; 3251 Basic Chemical Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 3311 Iron and Steel Mills and Ferroalloy Manufacturing; 3313 Alumina and Aluminum Production and Processing; 3314 Nonferrous Metal (except Aluminum) Production and Processing; 3315 Foundries

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RIN: 2060-AI96

### 3299. INSPECTION MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT TO THE FINAL RULE

**Priority:** Other Significant

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

**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 those elements; (3) establish new Federal facilities I/M program requirements which Federal facilities in I/M program areas must meet in order to comply with the Act; and (4) designate for each State which section of the Act Federal agencies must comply with based on how that State promulgated its I/M regulations. These changes will have minimal to no impact on the States as no new requirements are being created. The States are under no obligation, legal or otherwise, to modify existing SIPs meeting the previously applicable requirements as a result of this action, nor will emissions reduction credit be affected. However, the changes will clarify for affected Federal facilities what they must do to meet the CAA requirements by establishing new regulations per those requirements.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/01	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 4348

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## EPA—Clean Air Act (CAA)

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RIN: 2060-AI97

### 3300. CONTROL OF METHYL TERTIARY BUTYL ETHER (MTBE)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	03/24/00	65 FR 16094
NPRM	05/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4393

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RIN: 2060-AJ00

### 3301. NESHAP: TACONITE IRON ORE PROCESSING INDUSTRY

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** Not Yet Determined

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	03/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4380

There are nine taconite processing facilities in the U.S.; seven are located

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

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RIN: 2060-AJ02

### 3302. NESHAP: ALUMINUM DIE CASTING AND ALUMINUM FOUNDRIES

**Priority:** Other Significant

**Legal Authority:** CAA sec 112

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The completed Secondary Aluminum Production NESHAP included some aluminum die casting facilities and aluminum foundries under its applicability. EPA has based its MACT standard for aluminum die casting and aluminum foundries, as well as its assessment of the economic impacts on small businesses in these industries, on information on representative facility practices provided to EPA by these industries to date. However, affected facilities in these industries have expressed concern that the information and assumptions upon which EPA has relied may be incomplete or may not adequately represent the processes and emissions at such facilities. Therefore, EPA will initiate a formal process to collect further information from the facilities in these industries on the activities in which they engage and the potential of these activities to contribute to HAP emissions. After evaluating this information, EPA will make a new determination concerning MACT requirements for both major



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solely for the designated essential purpose.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/99	64 FR 59141
Direct Final Rule 2001 De Minimis Exemption	03/13/01	66 FR 14759
NPRM 2001 De Minimis Exemption	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4410

Split from RIN 2060-AI73.

**Sectors Affected:** 325412

Pharmaceutical Preparation Manufacturing; 927 Space Research and Technology

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**RIN:** 2060-AJ15

### 3305. RULEMAKING FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT: RESPONSE TO MARCH 3, 2000 DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51 (Revision)

**Legal Deadline:** None

**Abstract:** On October 27, 1998 (63 FR 57355), EPA issued a rule to reduce smog in the eastern half of the country. The rule required 22 States and the District of Columbia to reduce emissions of nitrogen oxides (NOx), which reacts with other chemicals in the atmosphere to form smog. EPA required these reductions because pollution from each of these States was transported by the wind and significantly contributed to unhealthy air quality in downwind states. In response to litigation from several parties on the NOx SIP call, the United States Court of Appeals for the District of Columbia issued a decision on March 3, 2000 making it clear that EPA and States can and should move

forward to implement this regional strategy. The ruling remanded certain relatively minor portions of the original rule back to the EPA. This rulemaking covers the portion of the rule associated with the remanded issues: certain cogeneration units, internal combustion engines, the partial State requirements for Georgia & Missouri and the exclusion of Wisconsin. In this rulemaking, EPA will consider the partial State issue for Alabama & Michigan as well.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	08/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4433

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**RIN:** 2060-AJ16

### 3306. NESHAP FOR FRICTION PRODUCTS MANUFACTURING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4460

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

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**RIN:** 2060-AJ18

### 3307. NESHAP FOR FLEXIBLE POLYURETHANE FOAM FABRICATION OPERATIONS

**Priority:** Substantive, Nonsignificant

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

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

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

**Abstract:** The Clean Air Act (CAA) requires development of emission standards for major sources emitting any of the hazardous air pollutants (HAP) listed in section 112(b) of the CAA. Flexible Polyurethane Foam Fabrication Operations was listed as a category of major sources based on previous emission information of methylene chloride HAP. This source category covers emissions from various polyurethane foam bonding operations, including foam gluing and flame lamination. Subsequent information reveals that the use of methylene chloride has substantially reduced due to OSHA regulations. Therefore, no major sources of HAP are anticipated in this source category. This action will explore whether there are any major sources in this source category and develop a MACT standard if it still

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proves to be necessary. If no major sources are confirmed, then the action will be to explore possible ways of delisting this source category.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4449

**Sectors Affected:** 32615 Urethane and Other Foam Product (except Polystyrene) Manufacturing

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**RIN:** 2060-AJ19

**3308. RULEMAKINGS FOR THE PURPOSE OF REDUCING INTERSTATE OZONE TRANSPORT**

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

**Legal Authority:** Not Yet Determined

**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 2-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 transport. This multi-year 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 US. Per the August 30, 2000 court order, emission reduction measures are required to be in place by May 31, 2004. The court did remand certain minor provisions which EPA is now addressing in a separate rulemaking — see SAN 4433 in today's Regulatory Agenda.) 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 from certain stationary sources in upwind States that may significantly contribute to ozone nonattainment problems in the petitioning State. After analysis, EPA found the petitions from eight States to be meritorious in whole or in part (5/25/99, 64 FR 28250). 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	FR Cite
Final Action NOx SIP Call	10/27/98	63 FR 57355
NPRM NOx FIPs (SAN 4096)	10/21/98	63 FR 56393

Action	Date	FR Cite
Final Action Section 126 Findings	05/25/99	64 FR 28250
Final Action Section 126 Approvals and Remedy	01/18/00	65 FR 2674
NPRM Response to NOx SIP Call Court Decision (SAN 4433)	04/00/01	
Final Action Response to NOx SIP Call Court Decision (SAN 4433)	09/00/01	
Final Action NOx FIPs (SAN 4096)	07/00/01	

**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

**3309. PETITIONS TO DELIST SOURCE CATEGORIES FROM THE SOURCE CATEGORY LIST, DEVELOPED PURSUANT TO SECTION 112(C) OF THE CLEAN AIR ACT**

**Priority:** Routine and Frequent

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

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

**Abstract:** The EPA has received 1 petition to remove a SC (2-Piece Can Manufacturing) from the SC List developed pursuant to Section 112(c) of the Clean Air Act (CAA). The most current SC List was published on November 18, 1999 (64 FR 63025). Section 112(c)(9), which provides the legislative authority and guidelines for such actions, states that the Administrator may delete a SC from the

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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 January 31, 2000, 1 petition to delist a SC has been received. It contains information on HAP emissions, exposures, health effects, human risks, and potential ecological concerns as well as the petitioner's explanation why the 2-Piece Can Manufacturing should be removed from the SC List. The EPA will conduct a comprehensive review of the petition received then decide whether to grant or deny the petition. Section 112(c)(9) requires that within 12 months of receipt of a petition, the Administrator shall either grant or deny the petition by publishing a written explanation of the reasons for the Administrator's decision. We believe that petitions to delist source categories are non-significant actions because they do not meet any of the principles outlined in Section A above.

**Timetable:**

Action	Date	FR Cite
NPRM - Denial Instead Be Published	May 09/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4415

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**RIN:** 2060-AJ23**3310. REVISING REGULATIONS ON AMBIENT AIR QUALITY MONITORING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 58 (Revision); 40 CFR 53 (Revision); 40 CFR 50 (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 should be revised to reflect the roles of EPA and the State and local agencies.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	06/00/01 04/00/02	

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

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**RIN:** 2060-AJ25**3311. CLARIFICATION TO EXISTING PART 63 NESHAP DELEGATIONS' PROVISIONS-WORK PRACTICES****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	04/00/01 04/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 4426

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RIN: 2060-AJ26

### 3312. FEDERAL PLAN FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 1990 Amendments to the Clean Air Act sections 111; 1990 Amendments to the Clean Air Act sections 129; 1990 Amendments to the Clean Air Act sections 301(a)(d)

**CFR Citation:** 40 CFR 62

**Legal Deadline:** Final, Statutory, December 1, 2002, Section 129 (b)(3) of the CAA.

**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 3, 2001 describing how the State will implement the emission guidelines for existing CISWI. Section 129 requires the Administrator to develop and implement a Federal plan for existing CISWI units located in any State which has not submitted an approvable plan within 2 years of promulgation of the emissions guidelines. In this CISWI Federal plan rulemaking, EPA becomes the implementing authority in those instances where the State or local agency has failed to submit a plan or a plan has not yet been approved. Therefore, consistent with section 129(b)(3) of the Act, EPA is proposing a plan that applies to CISWI in any State, tribe or locale that has not submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the rule,

and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal plan as a gap-filling measure until the State fulfills its statutory obligations. When the State submits an approvable State Plan, the Federal plan will no longer apply to units in that State.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/01	
Final Action	01/00/02	

#### Regulatory Flexibility Analysis

**Required:** No

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

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 4441

**Sectors Affected:** 321 Wood Product Manufacturing; 325 Chemical Manufacturing

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RIN: 2060-AJ28

### 3313. REVISIONS TO PART 97 FEDERAL NOX BUDGET TRADING PROGRAM ALLOWANCE ALLOCATION METHOD AND PART 75 OUTPUT AND EMISSIONS MONITORING PROVISIONS

**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 rulemaking package will propose two types of modifications to the Code of Federal Regulations: revisions to parts 72 and 75 related to the existing Acid Rain Program; and, revisions to part 75 and part 97 that are associated with the implementation of the Federal Nox Budget Trading Program.

The proposed revisions to parts 72 and 75 pertaining to the Acid Rain Program will improve the program's efficiency and effectiveness. These revisions include technical corrections and

clarifications to the monitoring procedures that will improve quality of the SO<sub>2</sub> and NO<sub>x</sub> emissions data. Some reporting requirements will be modified to broaden and improve electronic reporting provisions in order to reduce industry burden and facilitate better data management within the Agency.

In support of the Federal NO<sub>x</sub> Budget Trading Program, EPA will propose revisions to parts 72, 75, and 97. Parts 72 and 75 will be modified to introduce procedural requirements for the monitoring and reporting of output (i.e., electricity, steam, or heated water) for electric generating units. The proposed revisions to part 97 will satisfy a commitment the Agency made in the January 18, 2000 final section 126 rule to use output for updating NO<sub>x</sub> allowance allocations. Our analysis predicts that updating allocations based on output will reduce air pollution nationwide and will result in more efficient electricity generation.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/01	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4448

**Sectors Affected:** 221111 Hydroelectric Power Generation

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RIN: 2060-AJ30

### 3314. GUIDELINES FOR 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

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**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, final regional haze regulations were published in the Federal Register on July 1, 1999 (64 FR 35714). These regulations include, in section 51.308(e), a requirement for best available retrofit technology (BART) for certain types of existing stationary sources of air pollutants. In the preamble to regional haze rule, we committed to issuing further guidelines to clarify the BART requirements. The purpose of this rulemaking is to provide those BART guidelines.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4450

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**RIN:** 2060-AJ31

**3315. NESHAP: PESTICIDES ACTIVE INGREDIENTS—AMENDMENTS**

**Priority:** Other Significant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** On June 23, 1999, EPA promulgated the NESHAP for Pesticide Active Ingredient Production (Production of Agricultural Chemicals). Subsequently, a petition was filed on this rule, and EPA received the list of issues filed with the court. There are four separate, but related petitions. Major issues include applicability determination for creosote producers,

control requirements for "left-over" vents, averaging period, and wastewater applicability cutoffs. This amendment will address these issues.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4457

Split from RIN 2060-AE84.

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**RIN:** 2060-AJ34

**3316. • REVISIONS TO THE PART 97 FEDERAL NOX BUDGET TRADING PROGRAM, THE PART 75 EMISSIONS MONITORING PROVISIONS, THE PART 72 PERMITS REGULATION PROVISIONS, AND THE PART 78 APPEAL PROCEDURES**

**Priority:** Other Significant

**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:** The purpose of these proposed revisions is to modify existing procedures for monitoring and reporting NOx and SO2 emissions for sources affected by the Acid Rain Program, the Federal NOx Budget Trading Program, and the October 27, 1998 NOx SIP call. The proposed changes will: streamline part 75 by removing outdated provisions and give electricity generators added flexibility with the monitoring and reporting requirements; tighten the calibration error limit for some units to be more in line with industry's current accepted

technical specifications; make technical corrections and changes necessary to correct printing, typographical, and grammatical errors in existing rules; and correct/clarify cross references between the subject Parts to ensure consistency among the rules.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	08/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4538

Split from RIN 2060-AJ30.

**Sectors Affected:** 221111 Hydroelectric Power Generation

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**RIN:** 2060-AJ43

**3317. • NESHAP: AMINO/PHENOLIC RESINS: AMENDMENT**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63 subpart 000

**Legal Deadline:** None

**Abstract:** The Amino and Phenolic Wood Adhesives Association (APWAA) has filed a petition for review of the final rule. APWAA has identified two areas of concern in their statement of issue. First of all APWAA claims that EPA was unjustified in going above the floor level of control to include equipment requirements equivalent to the Consolidated Air Rule (CAR) for new and existing sources. APWAA believes EPA should use the floor level of control for both new and existing sources. For existing sources there is no floor, and for new sources the floor level of control is equivalent to the requirements included in 40 CFR Part 60 Subpart VV. The second issue identified by APWAA is the way the requirements for non-reactor batch vents were calculated. The current rule has a 500 lbs per year applicability cutoff for non-reactor batch vents at the facility level. APWAA has stated that the cutoff should be applicable to individual vents instead of the entire

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

facility. This amendment will address these issues.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4484

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

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**RIN:** 2060-AJ45

**3318. • FEDERAL PLAN FOR SMALL MUNICIPAL WASTE COMBUSTION UNITS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 1990 Amendments to the Clean Air Act; sections 111(d) 129 and 301(a)(d)

**CFR Citation:** 40 CFR 62 (new)

**Legal Deadline:** None

**Abstract:** The Clean Air Act Amendments of 1990 directed the EPA to set emission guidelines for existing municipal waste combustion units (MWCs) under Sections 111 and 129. On 12/19/95, the EPA adopted emission guidelines for MWCs under the authority of Sections 111(d) and 129 of the Clean Air Act. These emission guidelines covered all MWC units located at plants with an aggregate plant combustion capacity larger than 35 tons per day of municipal solid waste. Subsequent litigation cancelled the emission guidelines for small MWC units, but the Court directed EPA to adopt a new rule for small MWC units. This rule was adopted on December 6, 2000. This action is a follow-on activity to this rulemaking. In this proposed MWC

Federal Plan for small units, EPA becomes the implementing authority in those instances where the state or local Agency fails to submit a plan or a plan has not yet been approved. This action makes no changes to the rule and is intended to fulfill EPA's duty under Section 129(b)(3) to promulgate a Federal Plan as a gap-filling measure until the state fulfills its statutory obligations. When the state submits an approvable State Plan, the Federal Plan will no longer apply to units in the state.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Local

**Additional Information:** SAN No. 4454

About half the small municipal waste combustor owners are local governments.

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**RIN:** 2060-AJ46

**3319. • PETITION BY COLORADO TO RELAX THE REID VAPOR PRESSURE STANDARD FOR GASOLINE FOR 2001**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 80.27

**Legal Deadline:** None

**Abstract:** Denver/Boulder is in the process of redesignating to attainment with the ozone NAAQS; however, this process is not expected to be completed by the 2001 summer ozone control season. They are asking that the applicable federal RVP gasoline standard of 7.8 psi (pounds per square inch) be waived in favor of the 9.0 psi RVP for gasoline sold in the area during the 2001 summer ozone control season. This action will address their request.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4520

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**RIN:** 2060-AJ55

**3320. • PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING CRITICAL AND EMERGENCY USES OF METHYL BROMIDE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 764; 42 USC 7671c

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4535

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AJ63

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Final Rule Stage

## Clean Air Act (CAA)

### 3321. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; FOUR CORNERS POWER PLANT

**Priority:** Other Significant

**Legal Authority:** 42 USC 1740

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48731
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 3569

NPRM-

<http://www.epa.gov/fedrgstr/EPA-AIR/1999/September/Day-08/a23277.htm>; Formerly listed as RIN 2060-AF42,

NPRM-

<http://www.epa.gov/fedrgstr/EPA-AIR/1999/September/Day-08/a23277.htm>

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RIN: 2009-AA01

### 3322. NEW SOURCE REVIEW (NSR) IMPROVEMENT

**Priority:** Other Significant

**Legal Authority:** CAA as amended, title I

**CFR Citation:** 40 CFR 51.160 to 51.166; 40 CFR 52.21; 40 CFR 52.24

**Legal Deadline:** None

**Abstract:** This action is to revise the CAA new source review (NSR) regulations, which govern the preconstruction air quality review and permitting programs that are implemented by States and the Federal Government for new and modified major stationary sources of air pollution. This rulemaking will deregulate, that is, exclude from major NSR program requirements those activities of sources that, with respect to air pollution, have little environmental impact. The rulemaking will encourage pollution control and pollution prevention projects at existing sources. Control technology requirements will be clarified with respect to when and how they apply to sources that are covered. The action seeks to more clearly define the appropriate roles and requirements of sources, permitting authorities and Federal land managers and EPA in the protection of air-quality-related values in Federal Class I areas (i.e., certain national parks and wilderness areas) under the NSR regulations. State, local, and tribal permitting agencies will be given more flexibility to implement program requirements in a manner that meets their specific air quality management needs. Consequently, the rulemaking decreases the number of activities that are subject to NSR requirements and also expedites the permitting process for those sources that are subject to NSR. This action is designed to reduce the regulatory burden over all industries without respect to commercial size or capacity; therefore, it should have no detrimental impact on small businesses. This action also addresses several pending petitions for judicial review and administrative action pertaining to NSR applicability

requirements and control technology review requirements. Regulations that will be affected are State implementation plan requirements for review of new sources and modifications to existing sources (40 CFR 51.160-166), the Federal prevention of significant deterioration program (40 CFR 52.21), and Federal restriction on new source construction (40 CFR 52.24). Finally, this NSR Improvement effort also includes a separate rulemaking (SAN 4390, NSR Improvement: Utility Sector Offramp Program), which will provide industries with the flexibility to focus more on existing pollution sources, with the goal of achieving as good or better environmental results than could be achieved by focusing strictly on new sources.

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/96	61 FR 38249
Final Action	08/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 3259

See also SAN 4390

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RIN: 2060-AE11

### 3323. NSPS: SYNTHETIC ORGANIC CHEMICALS MANUFACTURING INDUSTRY - WASTEWATER (FINAL) & AMEND. TO APPENDIX C OF PART 63 & APPENDIX J OF PART 60

**Priority:** Other Significant

**Legal Authority:** CAAA

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/94	59 FR 46780
Supp NPRM-1st	10/11/95	60 FR 52889
Supp NPRM-2nd Appendix J to Part 60	12/09/98	63 FR 67988
Final Action	08/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3380

Supp NPRM-2nd-  
<http://www.epa.gov/fedrgstr/EPA-AIR/1998/December/Day-09/a28472a.htm>

**Sectors Affected:** 3251 Basic Chemical Manufacturing

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**RIN:** 2060-AE94

### 3324. NESHAP: PETROLEUM REFINERIES; CATALYTIC CRACKING UNITS, CATALYTIC REFORMING UNITS AND SULFUR RECOVERY UNITS

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** Title III of the Clean Air Act Amendments of 1990 requires EPA to develop national emission standards for hazardous air pollutants (NESHAPs). EPA promulgated NESHAP rules for petroleum refineries on August 18,

1995 (RIN 2060-AD94). This action covers three process vents not covered under RIN 2060-AD94. These are the catalyst regeneration vents from fluid catalytic cracking units (FCCU) and catalytic reformers and the tail gas vents from sulfur recovery plants.

**Timetable:**

Action	Date	FR Cite
NPRM	09/11/98	63 FR 48889
Final Action	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3549

NPRM-  
<http://www.epa.gov/fedrgstr/EPA-AIR/1998/September/Day-11/a23508.htm>

**Sectors Affected:** 32411 Petroleum Refineries

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**RIN:** 2060-AF28

### 3325. METHODS FOR MEASUREMENT OF VISIBLE EMISSIONS—ADDITION OF METHODS 203A, 203B, AND 203C TO APPENDIX M OF PART 51

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

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

enforcing visible emissions regulations from Stationary Sources.

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/93	58 FR 61639
Final Action	12/00/01	

**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

### 3326. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR YUCCA MOUNTAIN, NEVADA

**Priority:** Other Significant

**Legal Authority:** Energy Policy Act sec 801

**CFR Citation:** 40 CFR 197

**Legal Deadline:** NPRM, Statutory, August 1, 1996.

**Abstract:** This rulemaking is in response to section 801 of the Energy Policy Act of 1992 which directs the Administrator to promulgate public health and safety standards for protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site, developed and operated by the U.S. Department of Energy.

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/99	64 FR 46976
Final Action	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3568

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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 RIN: 2060—AG14

### 3327. ADDITION OF METHOD 207 TO APPENDIX M OF 40 CFR PART 51 METHOD FOR MEASURING ISOCYANATES IN STATIONARY SOURCE EMISSIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	12/08/97 06/00/01	62 FR 64532

**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

### 3328. NESHAP: CELLULOSE PRODUCTION MANUFACTURING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This project is to develop national emission standards for hazardous air pollutants (NESHAPs) by establishing maximum achievable control technology (MACT) for facilities manufacturing cellulose ether, carboxymethyl cellulose ether, methyl cellulose ether, cellulose food casing, cellulosic sponges, producing rayon, and producing cellophane. 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, product washing operations, material storage tanks, and film drying.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	08/28/00 07/00/01	65 FR 52166

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3970  
 Project combined with SAN 3963

**Sectors Affected:** 325221 Cellulosic Organic Fiber Manufacturing; 326113 Unsupported Plastics Film and Sheet (except Packaging) Manufacturing

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**RIN:** 2060—AH11

### 3329. NESHAP: MUNICIPAL SOLID WASTE LANDFILLS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	11/07/00 09/00/01	65 FR 66672

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** None

**Additional Information:** SAN No. 3969

**Sectors Affected:** 562212 Solid Waste Landfill

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**RIN:** 2060—AH13

### 3330. ADDITION OF OPACITY METHOD TO APPENDIX M OF 40 CFR PART 51 (METHOD 203)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 51

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

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

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**Timetable:**

Action	Date	FR Cite
NPRM	10/07/92	57 FR 46114
Final Action	08/00/01	

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

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**RIN:** 2060-AH23**3331. CONSOLIDATED EMISSIONS REPORTING RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 110(a)(2)(F)**CFR Citation:** 40 CFR 51.321 to 51.323**Legal Deadline:** None

**Abstract:** Three sections of the Clean Air Act and its amendments require State agencies to report emission estimates to EPA. Some of these sections contain obsolete wording, inconsistent instructions, and duplicate reporting requirements. This rule will consolidate the requirements into one area, eliminate obsolete wording, eliminate duplicate reporting requirements, and provide options for collecting and reporting data. There will be no impact on small businesses. State agencies will report point, area, and mobile source emissions statewide. State agencies will also report fine particulate matter and its precursors. The rule will provide for flexibility in collecting and reporting data.

**Timetable:**

Action	Date	FR Cite
NPRM	05/23/00	65 FR 33268
Final Action	09/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3986**Agency Contact:** William B. Kuykendal, Environmental Protection Agency, Air and Radiation, MD-14, Research Triangle Park, NC 27711

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**RIN:** 2060-AH25**3332. EXPANDED DEFINITIONS FOR ALTERNATIVE-FUELED VEHICLES AND ENGINES MEETING LOW-EMISSION VEHICLE EXHAUST EMISSION STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2001; 15 USC 2002; 15 USC 2003; 15 USC 2005; 15 USC 2006; 15 USC 213; 42 USC 7521; 42 USC 7522; 42 USC 7524; 42 USC 7525; 42 USC 7541; 42 USC 7542; 42 USC 7549; 42 USC 7550; 42 USC 7552**CFR Citation:** 40 CFR 86; 40 CFR 88**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/98	63 FR 38767
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4030**Agency Contact:** Clifford Tyree, Environmental Protection Agency, Air and Radiation, AAVP, Ann Arbor, MI 48105

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**RIN:** 2060-AH52**3333. NESHAP: PULP AND PAPER PRODUCTION; AMENDMENTS TO THE PROMULGATED RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63.440 to 63.459 (Revision)**Legal Deadline:** None

**Abstract:** The purpose of this action is to clarify sections of the promulgated pulp and paper industry maximum achievable control technology (MACT) standards where commenters have indicated that the wording is confusing or changes are needed. This action will also correct any typographical errors noted. This action will contain guidance and amended rule language.

**Timetable:**

Action	Date	FR Cite
Final Rule	09/16/98	63 FR 49455
Interpretations and technical amendment		
Direct Final Rule Amendment	12/28/98	63 FR 71385
NPRM Amendment	12/28/98	63 FR 71408
Final Action	04/12/99	64 FR 17555
Interpretations and technical amendment		
NPRM Proposed rule amendments and notice of public hearing	01/25/00	65 FR 3907
Final Action Final rule amendments	12/22/00	65 FR 80755
Final Action Technical corrections	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4123

NPRM-

[http://www.epa.gov/fedrgstr/EPA-](http://www.epa.gov/fedrgstr/EPA-AIR/2000/January/Day-25/a1058.htm)

AIR/2000/January/Day-25/a1058.htm

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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RIN: 2060-AH74

### 3334. NESHAP: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1857

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, March 1, 2001.

**Abstract:** Title III of the Clean Air Act Amendments of 1990 requires 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 plants may be major sources for one or more HAPs. As a consequence, a regulation (emission standards) is being developed for the polyvinyl chloride industry, to be promulgated by November 15, 2000.

#### Timetable:

Action	Date	FR Cite
NPRM	12/08/00	65 FR 76958
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4114

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RIN: 2060-AH82

### 3335. PHASE I FEDERAL IMPLEMENTATION PLANS (FIPS) 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:** None

**Abstract:** This action would promulgate Federal Implementation Plans (FIPs) which require nitrogen oxides (NOx) emissions decreases in 19 States and the District of Columbia. 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 May 25, 1999, the 12 month NOx SIP Call deadline was indefinitely stayed by the Court of Appeals for the District of Columbia Circuit. On June 22, 2000, the court lifted the stay and gave States 128 days from that date to submit SIPs. Thus, the new SIP submittal date was October 30, 2000. To date, eleven States (Virginia, West Virginia, Alabama, Kentucky, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Michigan, and Ohio) and the District of Columbia have not submitted SIPs that meet all of the aforementioned criteria, as announced in a “findings” rule published on December 26, 2000. EPA is continuing to work with these States to assist them in adopting State plans that meet the requirements of the NOx SIP Call, and is hopeful that States will submit fully approvable plans. (Note: The FIPs discussed here will apply to all elements of the NOx SIP call that were not remanded to EPA by the court on March 3, 2000. The portions of the SIP call that were remanded to EPA will be covered

under “Phase 2” SIPs, and if necessary, separate FIP actions will be prepared for those.)

#### Timetable:

Action	Date	FR Cite
NPRM	10/21/98	63 FR 56393
Findings Rule	12/26/00	65 FR 81366
Final Action	07/00/01	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 4096

NPRM-  
<http://www.epa.gov/fedrgstr/EPA-AIR/1998/October/Day-21/a26431.htm>  
 Findings

**Sectors Affected:** 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; 322122 Newsprint Mills; 322121 Paper (except Newsprint) Mills; 32213 Paperboard Mills; 32211 Pulp Mills

## EPA—Clean Air Act (CAA)

## Final Rule Stage

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**RIN:** 2060-AH87

### 3336. NESHAP: WET-FORMED FIBERGLASS MAT PRODUCTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, April  
1, 2001.

**Abstract:** The CAA required the 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 emission standards for each of the listed categories of HAP emissions sources. The wet-formed fiberglass mat production industry is not included in the initial list of categories for standards development but information available to the Administrator suggests that the industry is a major source of HAP emissions and, as such, emission standards shall be developed for this industry. 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 wet-formed fiberglass mat production industry may be reasonably expected to emit one of the pollutants listed in section 112(b) of the CAA. The purpose of this action is to pursue a regulatory development program such that emission standards may be promulgated for this industry. Emission standards for this industry were proposed on May 26, 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/00	65 FR 34278
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4082

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**RIN:** 2060-AH89

### 3337. PROTECTION OF STRATOSPHERIC OZONE: RECONSIDERATION ON THE 610 NONESENTIAL PRODUCTS BAN

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This action would propose to extend the current class I and class II bans on the sale and distribution of nonessential uses of ozone-depleting substances where sufficient substitutes are already readily available. As part of the initial 1993 rulemaking, EPA banned the use of ozone-depleting substances in aerosols, pressurized dispensers, and foams where substitutes were available. Since that rulemaking was issued, the phaseout of production and consumption of class I substances has become effective and the Significant New Alternatives Policy (SNAP) Program under section 612 has been promulgated. The phaseout of newly manufactured class I substances and the identification of new acceptable substitutes for both class I and class II applications provide compelling reasons to reconsider the initial decisions regarding both product-specific exemptions and the decision to limit the ban's effect on major sectors that traditionally used ozone-depleting substances. Most domestic manufacturers have already incorporated the non-ozone-depleting substances in their products. The continued availability and use of ozone-depleting substances in parts and products manufactured abroad, which

are sold or incorporated into larger products that are then sold into interstate commerce in the United States, negatively affects the competitiveness of domestic manufacturers who use substitute substances in their production. Therefore, it is appropriate to reconsider the applicability of the class I ban to both specific products and product categories. Amending these requirements would limit the potential use of ozone-depleting substances in applications where substitutes are available and thus, further protect the stratospheric ozone layer.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/99	64 FR 21772
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4077

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**RIN:** 2060-AH99

### 3338. REVISION TO THE DEFINITION OF VOLATILE ORGANIC COMPOUND (VOC) TO EXCLUDE TERTIARY BUTYL ACETATE

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The definition of VOC is proposed to be revised to add tertiary butyl acetate to the list of negligibly reactive compounds. This is a deregulatory action that will remove tertiary butyl acetate from the necessity to be controlled as a VOC in SIPs for attaining the ozone standard. This is not expected to have a significant impact on small businesses or local governments.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/99	64 FR 52731
Final Action	04/00/01	

**Regulatory Flexibility Analysis  
Required:** No

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**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4254

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**RIN:** 2060—AI45**3339. 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:** Final, Judicial, December 31, 2000.

**Abstract:** On November 15, 1994, the Environmental Protection Agency (EPA) proposed not to revise the existing 24-hour and annual primary standards. The EPA sought public comment on the need to adopt additional regulatory measures to address the health risk to asthmatic individuals posed by short-term peak sulfur dioxide exposure. On March 7, 1995, EPA proposed implementation strategies for reducing short-term high concentrations of sulfur dioxide emissions in the ambient air. On May 22, 1996, EPA published its final decision not to revise the primary sulfur dioxide NAAQS. The notice stated that EPA would shortly propose a new implementation strategy to assist States in addressing short-term peaks of sulfur dioxide. The new implementation strategy - the Intervention Level Program - was proposed on January 2, 1997. In July 1996, the American Lung Association and the Environmental Defense Fund petitioned the U.S. Court of Appeals for the D.C. Circuit for a judicial review of EPA's decision not to establish a new 5-minute NAAQS. On January 30, 1998, the court found that EPA did not adequately explain its decision and remanded the case so EPA could explain its rationale more fully. EPA

published a schedule for responding to the remand in the May 5, 1998 Federal Register. Since that notice, EPA has continued to work on the proposed response to the remand by reviewing additional SO<sub>2</sub> air quality information. EPA published an informational notice in the Federal Register on January 9, 2001 (66 FR 1665)

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal**Federalism:** Undetermined**Additional Information:** SAN No. 1002

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**RIN:** 2060—AA61**3340. REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF STATE IMPLEMENTATION PLANS (GUIDELINE ON AIR QUALITY MODELS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410 CAAA sec 110(a)(2); CAAA sec 165(e); CAAA sec 172(a); CAAA sec 172(c); 42 USC

7601 CAAA sec 301(a)(1); CAAA sec 320

**CFR Citation:** 40 CFR 51.112; 40 CFR 51.160; 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None

**Abstract:** This action proposes revisions to the Guideline on Air Quality Models, published as appendix W to 40 CFR part 51. Such models are used to predict ambient concentrations of pollutants for programs ranging from Prevention of Significant Deterioration (PSD) to State Implementation Plans (SIPs) for controlling air pollution sources. Appendix W to 40 CFR part 51 fulfills a Clean Air Act mandate for EPA to specify models for air management purposes. This proposed rulemaking enhances appendix W with new and/or improved techniques.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	04/21/00	65 FR 21505
	09/00/01	

**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**3341. NESHAP: PRIMARY COPPER SMELTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAAA sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** The primary copper smelting industry is known to emit a number of the hazardous air pollutants listed in section 112 of the Clean Air Act. The industry is comprised of seven smelters located in four states. All have extensive control systems for oxides of sulfur and HAPs. However, fugitive emissions may cause several smelters to exceed major source levels.

**Timetable:**

Action	Date	FR Cite
NPRM	04/20/98	63 FR 19582

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Action	Date	FR Cite
NPRM	06/26/00	65 FR 39326
Final Action	05/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Additional Information:** SAN No. 3340

NPRM-

[http://www.epa.gov/fedrgstr/EPA-](http://www.epa.gov/fedrgstr/EPA-AIR/1998/April/Day-20/a10142.htm)

AIR/1998/April/Day-20/a10142.htm

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**RIN:** 2060-AE46**3342. NESHAP: MANUFACTURING OF NUTRITIONAL YEAST****Priority:** Other Significant**Legal Authority:** 42 USC 7412 CAA sec 112(d)**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** Section 112 of the Clean Air Act requires major sources of hazardous air pollutants to achieve emission reduction based on the maximum achievable control technology (MACT). This regulatory action will establish this level of control for both new and existing sources in the nutritional yeast manufacturing industry. This industry is currently comprised of 10 sources of 5 different manufacturers located in 8 different states. The only known HAP emission from this source is acetaldehyde. It is produced as a byproduct during the fermentation process. The final rule set maximum emission limits of acetaldehyde, which will be achievable by improved process control to reduce formation of this byproduct.

**Timetable:**

Action	Date	FR Cite
NPRM	10/10/98	63 FR 55812
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Federal**Additional Information:** SAN No. 3550**Sectors Affected:** 311999 All Other Miscellaneous Food Manufacturing**Agency Contact:** David Markwordt, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711

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**RIN:** 2060-AF30**3343. NESHAP: BOAT MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, May 1, 2001.

**Abstract:** This action will result in the reduction of hazardous air pollutants emitted by the boat manufacturing industry. This rule will affect the manufacture of fiberglass and aluminum boats. The most abundant pollutant emitted by this industry is styrene, which is listed as a hazardous air pollutant in the 1990 Clean Air Act.

**Timetable:**

Action	Date	FR Cite
NPRM	07/14/00	65 FR 43841
Final Action	05/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3747**Sectors Affected:** 336611 Ship Building and Repairing; 336612 Boat Building**Agency Contact:** Mark Morris, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711

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**RIN:** 2060-AG27**3344. NESHAP: TIRE MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This is a 10-year MACT covering the HAP emissions from the manufacturing of Rubber tires. The emission sources associated with the rubber compound mixing (banbury); extruding; calendaring; building; curing and finishing are covered in this MACT. Forty one facilities have been initially identified. This includes approximately 35 facilities of at least 10 tpy and 26 facilities of at least 25 tpy. Emissions are primarily associated with rubber processing and the use of HAP bearing solvent and cements. Several facilities have eliminated through substitution much of the HAP bearing solvent and cements. However, evaluation of the MACT and separation of the rubber processing emissions from HAP bearing solvents and cement will reduce the number of affected facilities to about 30. In addition, the tire cord coating operations will also be included. Typically these facilities are separate non-located operations. The major pollutant associated with tire cord is formaldehyde. There are approximately 12 affected major facilities

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/00	65 FR 62414
Final Action	08/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3749**Agency Contact:** Tony Wayne, Environmental Protection Agency, Air

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RIN: 2060-AG29

### 3345. NESHAP: LARGE APPLIANCE (SURFACE COATING)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This regulation will apply to surface coating of large appliance products and parts. This regulation will reduce nationwide emissions of HAPs from surface coating of large appliances, a measure required by section 112 of the Clean Air Act.

**Timetable:**

Action	Date	FR Cite
NPRM	12/22/00	65 FR 81133
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3823

**Sectors Affected:** 335222 Household Refrigerator and Home Freezer Manufacturing; 335221 Household Cooking Appliance Manufacturing; 335224 Household Laundry Equipment Manufacturing; 335212 Household Vacuum Cleaner Manufacturing; 333298 All Other Industrial Machinery Manufacturing; 335228 Other Major Household Appliance Manufacturing; 336391 Motor Vehicle Air-Conditioning Manufacturing; 333415 Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing; 333319 Other Commercial and Service Industry Machinery Manufacturing

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RIN: 2060-AG54

### 3346. NESHAP: METAL COIL (SURFACE COATING) INDUSTRY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This action will result in the reduction of hazardous air pollutants emitted by the metal coil surface coating industry. The Agency will study what pollutants are emitted and evaluate the control techniques, including pollution prevention, that are used to reduce these emissions. The Agency will also determine what, if any, impact the rule would have on small businesses.

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/00	65 FR 44616
Final Action	07/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 3905

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RIN: 2060-AG97

### 3347. NESHAP: LEATHER FINISHING OPERATIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** Title III of the Clean Air Act requires EPA to develop air emission standards for facilities that emit any of the 189 hazardous air pollutants. This action will develop a MACT standard for sources involved in leather finishing operations. Facilities involved in these operations release over 1.7 million pounds of hazardous air pollutants per year. Regulation of these facilities will result in a reduction of the emissions of hazardous air pollutants, several of which are highly toxic.

**Timetable:**

Action	Date	FR Cite
NPRM	10/02/00	65 FR 58702
Final Action	05/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3964

**Sectors Affected:** 31611 Leather and Hide Tanning and Finishing

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RIN: 2060-AH17

### 3348. NESHAP: SOLVENT EXTRACTION FOR VEGETABLE OIL PRODUCTION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** Not Yet Determined

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

**Abstract:** This action develops National Emission Standards for Hazardous Air

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Pollutants (NESHAP) for vegetable oil production facilities as authorized under section 112(d) of the Clean Air Act (Act). The action is based on the determination that vegetable oil production plants emit organic hazardous air pollutants (HAPs) listed in section 112(b) of the Act. On July 16, 1992, EPA listed vegetable oil production as a source for which NESHAP are to be promulgated. On December 3, 1993, EPA published a schedule for promulgating NESHAP for vegetable oil production plants by November 15, 2000. NESHAP developed under section 112(d) apply to both new and existing facilities. NESHAP for existing facilities are to be based on the average emission limitation achieved by the best performing 12 percent of existing sources.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	05/26/00 04/00/01	65 FR 34252

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** SAN No. 3903

**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-AH22

**3349. NESHAP: GROUP I POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS-AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

Action	Date	FR Cite
Direct Final Action Petition for Reconsid.- Equip. Leaks	06/08/99	64 FR 30406
Final Action Petitions for Judicial Rev-Amendments	06/19/00	65 FR 38030
Direct Final Rule Withdrawal - Polymers and Resins	10/26/00	65 FR 64161
Final Rule Amend. Petition for Recons.- Cooling Towers	02/23/01	66 FR 11233
Final Rule Amend. Petition for Jud. Review-Tech. Corr.	05/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3939

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

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**RIN:** 2060-AH47

**3350. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 85

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/24/94	59 FR 13912
Supplemental NPRM	02/12/96	61 FR 5840
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 2665

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**RIN:** 2060-AI03

### 3351. PROTECTION OF STRATOSPHERIC OZONE: SUPPLEMENTAL RULE REGARDING A RECYCLING STANDARD UNDER SECTION 608

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/29/96	61 FR 7858
NPRM	11/01/96	61 FR 56493
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal**Additional Information:** SAN No. 3556

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

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**RIN:** 2060-AF36

### 3352. PROTECTION OF STRATOSPHERIC OZONE: REFRIGERANT RECYCLING RULE AMENDMENT TO INCLUDE SUBSTITUTE REFRIGERANTS

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/11/98	63 FR 32044
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Federal**Additional Information:** SAN No. 3560

NPRM-

[http://www.epa.gov/fedrgstr/EPA-](http://www.epa.gov/fedrgstr/EPA-AIR/1998/June/Day-11/a15003.htm)

AIR/1998/June/Day-11/a15003.htm

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**RIN:** 2060-AF37

### 3353. PROTECTION OF STRATOSPHERIC OZONE: UPDATE OF THE SUBSTITUTES LIST UNDER THE SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP) PROGRAM

**Priority:** Other Significant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671(k) CAA sec 612**CFR Citation:** 40 CFR 82; 40 CFR 9**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	01/16/92	57 FR 1984
NPRM	05/12/93	58 FR 28094
Final Rule	03/18/94	59 FR 13044
Notice 1	08/26/94	59 FR 44240
NPRM 1	09/26/94	59 FR 49108
Notice 2	01/13/95	60 FR 3318
Final Rule 1	06/13/95	60 FR 31092
Notice 3	07/28/95	60 FR 38729
NPRM 2	10/02/95	60 FR 51383
Notice 4	02/08/96	61 FR 4736
NPRM 3	05/22/96	61 FR 25604
Final Rule 2	05/22/96	61 FR 25585

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Action	Date	FR Cite
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
NPRM 10	07/11/00	65 FR 42653
Notice Corrections 14	04/00/01	
Notice 15	04/00/01	
Final Action Rescind Rule	04/00/01	
Final Action Foams No. 1	07/00/01	
Final Action Foams No. 2	09/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3525**Agency Contact:** Anhar Karimjee, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AG12**3354. PAPER AND OTHER WEB COATING NESHAP****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 59; 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.**Abstract:** This action would result in the reduction of hazardous air pollutants (HAPs) emitted by the paper and other web coating industries. The Agency will study the various HAP and VOC pollutants emitted by the industry and will evaluate pollution prevention and control techniques which can reduce these emissions.**Timetable:**

Action	Date	FR Cite
NPRM	09/13/00	65 FR 55332
Final Action	09/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3827**Sectors Affected:** 323111 Commercial Gravure Printing; 323116 Manifold Business Form Printing; 322223 Plastics, Foil, and Coated Paper Bag Manufacturing; 322222 Coated and Laminated Paper Manufacturing; 322221 Coated and Laminated Packaging Paper and Plastics Film Manufacturing; 322211 Corrugated and Solid Fiber Box Manufacturing; 322212 Folding Paperboard Box Manufacturing**Agency Contact:** Paul Almodovar, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711

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**RIN:** 2060-AG58**3355. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 49 CFR 123**Legal Deadline:** None**Abstract:** EPA proposes to federalize standards from the Arizona and New Mexico State Implementation Plans (SIPS) applicable to the Navajo generating station. Where necessary, EPA's proposed emission standards modify the standards extracted from the States' regulatory programs to ensure comprehensive emission control and Federal consistency.**Timetable:**

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

Action	Date	FR Cite
Notice	01/26/00	65 FR 4244
Final Action	12/00/01	

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

Formerly listed as RIN 2060-AI79

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**RIN:** 2009-AA00**3356. NESHAP: GENERIC MACT FOR CARBON BLACK, ETHYLENE, CYANIDE AND SPANDEX****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, May 1, 2001.**Abstract:** Several of the source categories that are subject to MACT (maximum achievable control technology) standards contain only a few sources (e.g., less than five). For such categories, EPA plans to develop a generic MACT standard for these source categories. Given the relatively few affected sources caught by the generic standard, the overall cost and environmental effects of this action are expected to be small, nationally.**Timetable:**

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76408
Final Action	08/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal**Additional Information:** SAN No. 4105**Sectors Affected:** 325182 Carbon Black Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing**Agency Contact:** Mark Morris, Environmental Protection Agency, Air

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RIN: 2060-AH68

### 3357. NESHAP FOR ETHYLENE OXIDE COMMERCIAL STERILIZATION OPERATIONS-MONITORING AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The proposed amendments will correct technical problems associated with both the emission limits (because of safety issues) and the compliance testing and monitoring requirements.

#### Timetable:

Action	Date	FR Cite
NPRM	03/06/01	66 FR 13464
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 4316

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RIN: 2060-AI64

### 3358. AMEND SUBPART H AND I, 40 CFR PART 61, FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAAA 112(g) or (q); PL 95-95

**CFR Citation:** 40 CFR 61.93(a); 40 CFR 61.93(b)(2)(ii)

**Legal Deadline:** None

**Abstract:** Subparts H and I of 40 CFR part 61 establish limits, under the Clean Air Act, for radionuclide emissions (other than radon) from Department of Energy (DOE) and other non-DOE federal facilities. These Subparts require emission sampling, monitoring, and calculations to identify compliance with the standard. The current air sampling methodology required by the standards is embodied in ANSI-N13.1-1969, a consensus guidance document that is incorporated by reference in EPA's standards. That guidance was updated in 1999, and contains new technical recommendations (that differ from the 1969 version) for obtaining representative air samples. In this rule, EPA is updating subparts H and I to incorporate the new sampling guidance, ANSI-N13.1-1999, and require its use for new facilities and for those undergoing significant changes to ventilation systems. Existing facilities will be allowed to continue sampling in accordance with the current requirements.

#### Timetable:

Action	Date	FR Cite
NPRM	05/09/00	65 FR 29934
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4273

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RIN: 2060-AI90

### 3359. REVISION TO METHOD 24 FOR ELECTRICAL INSULATING VARNISHES

**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 (Revision)

**Legal Deadline:** None

**Abstract:** The purpose of this action is to revise Method 24 to allow the use of American Society for Testing and Materials' Method D6053-96 to measure the volatile organic content of electrical insulating varnishes. Method 24 as currently written is not applicable to these types of coatings. This action will ensure consistency in testing these coatings for determining compliance with current regulations. We do not anticipate any impact on small business or State/local/Tribal governments.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4299

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RIN: 2060-AI94

### 3360. REGULATION OF FUELS AND FUEL ADDITIVES: REFORMULATED GASOLINE ADJUSTMENT

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 80.45

**Legal Deadline:** None

**Abstract:** The proposed regulation would allow CO reductions (associated with oxygen in the gasoline above 2.0 wt %) to be used to offset increases in VOC emissions. The change would

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allow gasoline that has ethanol as an oxygenate to have a slightly higher Reid Vapor Pressure (RVP), which would alleviate some cost burdens for complying with Phase II of the RFG program. The change would therefore address the concern of the ethanol industry that such gasoline would otherwise be locked out of the market.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/00	65 FR 42920
Final Action	05/00/01	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4358

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RIN: 2060-AI98

### 3361. REMOVAL OF ALUMINUM DIE CASTING AND ALUMINUM FOUNDRIES FROM THE SECONDARY ALUMINUM NESHAP AND APPLICABILITY STAY FOR THESE INDUSTRIES

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

**Abstract:** Under the final Secondary Aluminum Production NESHAP, the EPA based its MACT standard for aluminum die casting and aluminum foundries, as well as its assessment of the economic impacts on small businesses in these industries, on information on representative facility practices available to EPA. However, affected facilities in these industries expressed concern that the information and assumptions upon which EPA has relied may be incomplete or may not adequately represent the processes and emissions at such facilities.

Accordingly, in this action, EPA will issue a proposed rule to remove the aluminum die casting and aluminum foundry industries from the present secondary aluminum standard and to stay the applicability of the present standard to these industries while EPA reevaluates the MACT requirements applicable to such facilities. The EPA will also initiate a formal process to collect further information from the facilities in these industries on the activities in which they engage and the potential of these activities to contribute to HAP emissions. After evaluating this information, EPA will make a new determination concerning MACT requirements for both major facilities and area sources in these industries. Alternatively, if the information collected by the EPA shows there is not a need to develop separate MACT requirements for these industries, then the proposed applicability stay and removal of these industry sectors from the existing secondary aluminum production NESHAP will not be finalized.

**Timetable:**

Action	Date	FR Cite
NPRM	09/14/00	65 FR 55491
Final Action	05/00/01	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4417

**Sectors Affected:** 331521 Aluminum Die-Castings; 331524 Aluminum Foundries

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RIN: 2060-AJ11

### 3362. NESHAP FOR PHARMACEUTICALS PRODUCTION: DIRECT FINAL AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

**Abstract:** This action is to be taken to amend the existing NESHAP for Pharmaceuticals Production, promulgated on September 21, 1998 (63 FR 50280). The amendment will address application of MACT controls during periods of planned routine maintenance. This need for this amendment became known during post-promulgation discussions with the regulated industry.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	05/00/01	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4458

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RIN: 2060-AJ17

### 3363. PROTECTION OF STRATOSPHERIC OZONE: PHASEOUT OF CHLOROBROMOMETHANE (HALON 1011) PRODUCTION AND CONSUMPTION

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

**Legal Deadline:** Final, Statutory, December 31, 2001, The Montreal Protocol as amended (1999) requires CBM to be phased out beginning 1/1/02. Therefore the U.S. must issue a final rule by 12/31/01.

**Abstract:** Section 602 of the Clean Air Act (Act) requires the EPA

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Administrator to list substances which the Administrator finds to cause or contribute to harmful effects on stratospheric ozone, and Sections 604 and 605 require the Administrator to promulgate regulations phasing out the production and limiting the use of such substances. The proposed regulation will list and phase out the production of chlorobromomethane (CBM), an ozone depleting substance (ODS). In late 1999, the Montreal Protocol was amended to add CBM to the list of substances controlled by this international agreement, to which the United States is a signatory. Section 614 of the Act requires that U.S. stratospheric protection regulations be harmonized with (or more stringent than) the provisions of the Montreal Protocol. Entities that will be affected by this regulation include producers of CBM; a segment of the explosion protection industry (manufacturers and distributors of CBM explosion protection systems); and end-users of such systems. Preliminary estimates suggest that domestic production of CBM is limited; some import of CBM occurs. CBM has also been used as a feedstock in the manufacture of a other chemicals; today's action will not affect this use. Because today's action only affects the production, and not the use (i.e., does not affect use of existing inventories or stockpiles of CBM), and since a two-year lead time has been provided since the decision to phase out CBM and the phaseout date, the phaseout of CBM will have limited economic and small business impacts.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4428

**Sectors Affected:** 115114 Postharvest Crop Activities (except Cotton Ginning); 3112 Grain and Oilseed Milling; 322 Paper Manufacturing; 325 Chemical Manufacturing; 3333 Commercial and Service Industry Machinery Manufacturing

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RIN: 2060-AJ27

### 3364. NESHAP FOR SOURCE CATEGORIES: PHOSPHORIC ACID MANUFACTURING AND PHOSPHATE FERTILIZERS PRODUCTION — AMENDMENTS

**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 101-549 sec 112**CFR Citation:** 40 CFR 63 subparts AA to BB**Legal Deadline:** None

**Abstract:** The rules are being amended to resolve specific issues and questions raised after promulgation. The changes do not change the projections for environmental benefits, compliance costs, burden on industry, or the number of affected facilities. There are no impacts on small businesses, State, local, or tribal governments. These amendments do not raise any cross-media issues.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	07/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4442

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RIN: 2060-AJ29

### 3365. 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 60.751; 40 CFR 60.752(b)(2)(iii)(C); 40 CFR 60.750; 40 CFR 60758; 40 CFR 60.752(b)(2)(iii)(B); 40 CFR 60.752(b)(2)(iii)(D)

**Legal Deadline:** None

**Abstract:** This action will revise 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 revision 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 to pipeline quality natural gas. 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. There are no internal issues involved with the proposal and direct final amendment, and we anticipate no significant adverse reaction related to this action from industry, regulators, or environmentalists.

**Timetable:**

Action	Date	FR Cite
Final Action NSPS: Municipal Solid Waste Landfills	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4478

N/A

**Sectors Affected:** 562212 Solid Waste Landfill

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RIN: 2060-AJ41

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**3366. NESHAP: GASOLINE DISTRIBUTION FACILITIES — AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401**CFR Citation:** 40 CFR 63.425(e)**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/01	

**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**3367. • SECTION 126 RULE REVISION CORRECTING NOX ALLOWANCE ALLOCATIONS FOR CERTAIN UNITS IN THE FEDERAL NOX BUDGET TRADING PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401; 42 USC 7403; 42 USC 4726; 42 USC 7601**CFR Citation:** 40 CFR 95.42(g)(2); 40 CFR 97.43(c)(9)(New); 40 CFR 97.43(a); 40 CFR 97 app A and B

**Legal Deadline:** NPRM, Judicial, December 12, 2000, Deadline for signing of proposed rule under settlements of litigation. Final, Judicial, July 15, 2001, Deadline for signing of final rule under settlements of litigation.

**Abstract:** These rule revisions will correct NOx allowance allocations for certain units in the Federal NOx Budget Trading Program under Section 126 of the Clean Air Act. Most of the corrections are under settlement agreements between EPA and owners of the units. The rule revisions also propose to authorize the Administrator to make similar corrections in the future by order, rather than by rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/00	65 FR 80398
Final Action	07/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4491

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**RIN:** 2060-AJ47**3368. • REVISION TO INTERIM APPROVAL REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR Part 70**Legal Deadline:** None

**Abstract:** This action will remove provisions in section 70.4(i) which allow the Agency to extend the expiration dates of interim approvals of State or local operating permits programs. The Agency does not intend to further extend such approvals. This action is consistent with title V of the Clean Air Act.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/00	65 FR 79791
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4492

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**RIN:** 2060-AJ48**3369. • STANDARDS OF PERFORMANCE FOR NEW SOURCES AND EMISSION GUIDELINES FOR EXISTING SOURCES: LARGE MUNICIPAL WASTE COMBUSTORS AMENDMENT OF STARTUP, SHUTDOWN, AND MALFUNCTION PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7429**CFR Citation:** 40 CFR 60**Legal Deadline:** None

**Abstract:** This direct final action will amend the provisions limiting startup, shutdown, and malfunction to 3 hours per occurrence to provide more time for shutdown as a result of specific malfunctions (i.e., waterwall tube failure, grate failure, and combustion air fan failure). This is a narrow technical amendment responding to new information that came in after the original rule was promulgated.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4507

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**RIN:** 2060-AJ52

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**3370. • PORTLAND CEMENT MANUFACTURING INDUSTRY NESHAP: AMENDMENTS TO RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 63.1340 to 63.1359**Legal Deadline:** None

**Abstract:** The Portland Cement Manufacturing Industry NESHAP was promulgated June 14, 1999. The rule is codified in 40 CFR 63, Subpart LLL. This rule is being revised to reflect a pending settlement agreement with the American Portland Cement Alliance. The rule changes will be minor, and mostly will help to clarify requirements, provide monitoring alternatives and/or remove minor monitoring requirements.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	05/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4524**Sectors Affected:** 32731 Cement Manufacturing

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**RIN:** 2060-AJ57**3371. • 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(l); 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:** The goal of the anti-dumping program is to maintain gasoline quality throughout the country. Without the program, as refiners produce cleaner, reformulated gasoline for certain localities under the Clean Air Act, they could take the chemicals removed and “dump” them into supplies of “ordinary” non-reformulated gasoline as a cost-saving measure. The anti-dumping program prohibits this. This rule amends the existing anti-dumping program to accommodate certain refiners with unusual data problems.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4528

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**RIN:** 2060-AJ59**3372. • CHANGE IN DEFINITION OF “MAJOR SOURCE” FOR OPERATING PERMITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 70.2**Legal Deadline:** None

**Abstract:** This action would remove the requirement for sources to count fugitive emissions (such as equipment leaks) when determining major source status if they are in categories subject to standards under section 111 or 112 promulgated after August 7, 1980. Making this change removes impediments to full approval of permit programs in several States and facilitates compliance with a settlement agreement with environmental groups. This action was proposed in 1994 and re-proposed in 1995, after which work

was stopped due to other priorities. It is now being re-tiered because so much time has elapsed since proposal.

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/94	59 FR 44460
NPRM	08/31/95	60 FR 45529
Final Action	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4529

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**RIN:** 2060-AJ60**3373. • NESHAP: FERROALLOY PRODUCTION: FERROMANGANESE AND SILICOMANGANESE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAA 112; 44 USC 350 et seq (PRA); 5 USC 605**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** The Clean Air Act, as amended November 1990, requires the EPA to develop emission standards for each major source category of hazardous air pollutants. 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 EPA. The EPA has determined that two plants in the ferroalloy production industry are major sources for one or more hazardous air pollutants. As a consequence, production facilities are among the HAP-emitting source categories selected for regulation.

**Timetable:**

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

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

**Additional Information:** SAN No. 4544  
Split from RIN 2060-AF29.

## EPA—Clean Air Act (CAA)

## Final Rule Stage

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**RIN:** 2060-AJ64

### 3374. • PROJECT XL SITE-SPECIFIC RULEMAKING FOR WEYERHAEUSER COMPANY FLINT RIVER OPERATIONS

**Priority:** Routine and Frequent

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** EPA is proposing to approve revisions to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) which concern the control of hazardous air pollutant (HAP) emissions from the pulp and paper industry. The proposed revisions would apply only to the Weyerhaeuser Company's Flint River Operations in Ogelthorpe, GA. The revisions are proposed as one of EPA's steps to implement the Final Project Agreement for Weyerhaeuser Company's XL Project. The intended effect of proposing these revisions is to regulate emissions of HAP's in accordance with the requirements of the Clean Air Act, as amended in 1990 and to facilitate implementation of Project XL at Weyerhaeuser. The implementation will result in superior environmental performance and provide Weyerhaeuser with greater operational flexibility. The

rule will provide for reductions in HAP emissions, measured as methanol.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4517

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**RIN:** 2090-AA20

### 3375. • PROJECT XL SITE-SPECIFIC RULEMAKING FOR ANDERSEN CORPORATION'S FACILITY IN BAYPORT, MINNESOTA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 U.S.C. 7401-7671q

**CFR Citation:** 40 CFR Part 52

**Legal Deadline:** None

**Abstract:** The proposed rule would implement a project under the Project XL program for the Andersen Corporation facility located in Bayport, Minnesota. The terms of the project are defined in a draft Final Project Agreement (FPA) which is being made available for public review and comment by the Federal Register notice. The proposed site-specific rule,

applicable only to the Andersen Bayport facility, would facilitate implementation of the project. Through the notice, EPA solicits comment on the proposed rule, the draft FPA, and the project generally. The proposed site-specific rule is intended to provide regulatory changes under the Clean Air Act (CAA or the Act) to implement Andersen's XL project, which will result in superior environmental performance and, at the same time, provide Andersen with greater operational flexibility. The proposed site-specific rule would change some of the CAA requirements which apply to the Andersen Bayport facility for the Prevention of Significant Deterioration (PSD) program, in particular existing synthetic minor limits that apply to some VOC sources in the Bayport facility. Synthetic minor limits are operational and control limitations which serve to limit the net emissions increase associated with proposed new or modified units or systems to less than the applicable significance level and thereby keep them out of PSD review.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4278

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**RIN:** 2090-AA21

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Long-Term Actions

## Clean Air Act (CAA)

### 3376. IMPLEMENTATION OF OZONE AND PARTICULATE MATTER (PM) NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) AND REGIONAL HAZE REGULATIONS

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 50; 40 CFR 51;  
40 CFR 52; 40 CFR 81

**Legal Deadline:** None

**Abstract:** On July 18, 1997, EPA issued new, updated air quality standards for ozone (62 FR 38856) and particulate matter (PM) (62 FR 38652). Pursuant to President Clinton's implementation strategy as outlined in a July 16, 1997 memorandum to EPA Administrator Carol Browner, EPA had been developing guidance and rules for

sensibly and cost-effectively meeting the new standards. On November 17, 1998, EPA made available for comment proposed implementation guidance on implementing the revised ozone and PM NAAQS and regional haze program. On May 14, 1999, however, the U.S. Court of Appeals for the D.C. Circuit issued an opinion concerning the revised ozone and particulate matter NAAQS (American Trucking Assoc.,

## EPA—Clean Air Act (CAA)

## Long-Term Actions

Inc. et al. v. USEPA, No. 97-1440 (May 14, 1999)) in which the Court stated, among other things, that the revised 8-hour ozone standard “cannot be enforced.” The Court also vacated the revised PM10 NAAQS and remanded the PM2.5 NAAQS. On June 28, 1999, EPA requested a rehearing of the case before the Court, but the request was denied. The Department of Justice then filed a petition in January 2000 seeking U.S. Supreme Court review, and the Court subsequently agreed to review the case. EPA expects a decision from the Supreme Court in early to mid-2001. Until the appeals process is exhausted, EPA does not intend to issue final guidance for implementation of the standards affected by the Appeals Court’s decision. Once the Supreme Court renders a decision, EPA will determine what actions may be appropriate. Meanwhile, to assure that areas were not left without an air-quality standard, EPA took action on 7/6/00 to reinstate the previous 1-hr standard in approximately 3000 counties across the U.S. EPA is also developing guidelines for determining Best Available Retrofit Technology (BART) under the Regional Haze Regulations through a formal rulemaking proposal.

**Timetable:**

Action	Date	FR Cite
ANPRM Notice Proposed Policy	12/13/96	61 FR 65764
NPRM Regional Haze Notice Review Schedule for PM2.5 Standard	07/31/97 10/23/97	62 FR 41138 62 FR 55201
Final Rule Areas meeting 1-hour ozone standard	06/05/98	63 FR 31013
Final Rule Additional areas meeting 1-hour ozone standard	07/22/98	63 FR 39432
Draft Guidance Implementation Planning	11/17/98	63 FR 65593
Final Rule Additional Areas Meeting 1-Hour Ozone NAAQS: 96-98 Data	06/09/99	64 FR 30911
Final Rule Regional Haze	07/01/99	64 FR 35713
Final Action Reinstatement of 1-hr standard	07/20/00	65 FR 45182
Final Guidance on Hold Pending Court Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3553

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**RIN:** 2060-AF34**3377. REVISED PERMIT REVISION PROCEDURES FOR THE FEDERAL OPERATING PERMITS PROGRAM****Priority:** Other Significant**Legal Authority:** 42 USC 7661(a)(d)(3)**CFR Citation:** 40 CFR 71.7**Legal Deadline:** None

**Abstract:** The proposed regulatory change would streamline permit revisions procedures for stationary air sources that are subject to the Federal operating permits program.

The Agency does not anticipate any significant impact on small businesses and State/local/tribal governments.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 3922

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**RIN:** 2060-AG92**3378. REVIEW OF MINOR NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY**

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

**Legal Authority:** 42 USC 7410**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	
Final Action	07/00/02	

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

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**RIN:** 2060-AH37**3379. FEDERAL MAJOR NEW SOURCE REVIEW (NSR) PROGRAM FOR NONATTAINMENT AREAS****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 124; 40 CFR 51.165; 40 CFR 52.10; 40 CFR 52.24**Legal Deadline:** None

**Abstract:** The Clean Air Act (Act) (title I, part D) requires that construction permit programs for new or modified major stationary sources of air pollution be established for areas not attaining the NAAQS. This action will add Federal rules at 40 CFR 52.10 for permitting the construction of new or modified major stationary sources in certain nonattainment areas where State, local, or tribal rules in whole or in part are not in place that meet the statutory permitting requirements. These rules will basically incorporate the requirements for State nonattainment NSR permit programs, codified at 40 CFR 51.165(a), with supplemental provisions added to make explicit the permit requirements of section 173 of the Act and certain long-standing policies regarding nonattainment NSR permitting. This action will also change 40 CFR 52.24 to specify that the requirements of 40

CFR 52.10 govern any permits issued in certain nonattainment areas where acceptable nonattainment NSR rules are not in place. Changes to 40 CFR part 124 will specify that the permit processing, public participation, and permit appeal requirements that otherwise apply to Federal PSD permitting will also apply, in most cases, to Federal nonattainment NSR permitting under 40 CFR 52.10.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal**Federalism:** Undetermined**Additional Information:** SAN No. 4046

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**RIN:** 2060-AH53**3380. 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. Since 1993, EPA has amended the transportation conformity rule three times in response to stakeholders' requests. The EPA is working on a separate revision to address transportation conformity in transitional areas which will be final by December 1998. The EPA has not reviewed or revised the General Conformity Regulations since their 1993 promulgation. Several Federal agencies have identified concerns over the implementation of the General Conformity Regulations, including the requirements for areas designated nonattainment for the newly promulgated NAAQS. In conjunction with an ad hoc work group of representatives from several Federal agencies, EPA will review the implementation of the General Conformity Regulations. The EPA will then propose and promulgate any appropriate revision to those regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Federal**Federalism:** Undetermined**Additional Information:** SAN No. 4070

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**RIN:** 2060-AH93**3381. REVISIONS TO AIR POLLUTION EMERGENCY EPISODE REQUIREMENTS (SUBPART H, 40 CFR PART 51)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410(a)(2)(G); 42 USC 7603**CFR Citation:** 40 CFR 51 Appendix L; 40 CFR 51.150 to 51.153**Legal Deadline:** None**Abstract:** 40 CFR part 51.150-51.153 require States to have contingency

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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. The result will be a sensible, credible program replacing an outdated program.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal, Federal

Additional Information: SAN No. 4247

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RIN: 2060-AI47

**3382. REVISION OF EPA'S RADIOLOGICAL EMERGENCY RESPONSE PLAN**

Priority: Substantive, Nonsignificant

Legal Authority: EO 12777; PL 96-295 Sec 304

CFR Citation: Not Yet Determined

Legal Deadline: None

**Abstract:** The U.S. Environmental Protection Agency (EPA) Radiological Emergency Response Plan (RERP) establishes a framework for timely, coordinated EPA action to protect public health and safety and the environment in response to a peacetime radiological incident. The original EPA RERP was approved in 1986. This new revision updates authorities, responsibilities, capabilities, and procedures for implementing effective radiological emergency response actions by EPA Offices. The RERP presents the EPA organizational structure and concept of operations for responding to radiological incidents as a participant in a Federal multi-agency response using the Federal Radiological Emergency Response Plan (FRERP) and the Federal Response Plan (FRP), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This revision incorporates recent changes to the FRERP and NCP, and many other policy updates. In short, this revision ensures that EPA maintains a comprehensive strategy to provide organized, effective assistance to State and local governments in the event of a radiological emergency.

Timetable: Next Action Undetermined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3638

Was previously listed in the Regulatory Agenda as RIN 2060-AF85.

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RIN: 2060-AI49

**3383. NESHAP: PAINT STRIPPING OPERATIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412 CAA sec 112

CFR Citation: 40 CFR 63

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

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

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3746

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RIN: 2060-AG26

**3384. 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

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Abstract:** This action proposes to amend regulations already established to implement the new Federal air toxics program under section 112, including the General Provisions, the Federal operating permit program under title V, and the major source preconstruction programs under parts C and D of title I.

The proposed rule will address issues related to the determination of a stationary source's potential to emit in response to three court decisions.

This action resulted from splitting of RINs 2060-AC98 and 2060-AC63.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3479

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**RIN:** 2060-AI01

**3385. NESHAP: OIL AND NATURAL GAS PRODUCTION**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** On February 2, 1998, we proposed NESHAP for oil and gas production (major sources), oil and gas production (area sources), and natural gas transmission and storage in one package. On June 17, 1999, we promulgated NESHAP for oil and gas production (major sources) and natural gas transmission and storage. In this action, we will publish a supplemental proposal for the oil and gas production

glycol dehydrators (area sources) and subsequently promulgate the proposal.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 4162

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**RIN:** 2060-AI13

**3386. FIELD CITATION PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7413(d) CAA sec 113(d)

**CFR Citation:** 40 CFR 59

**Legal Deadline:** None

**Abstract:** The Clean Air Act Amendments give EPA the authority to issue on-the-spot field citations for minor violations of the Clean Air Act, with penalties of up to \$5,000 per day of violation. Section 113(d) of the Act requires the field citation program to be implemented through regulations which provide the informal hearing procedures. These hearing procedures are not required to be as rigorous as those imposed by the Administrative Procedures Act (APA), but nevertheless must provide due process. Agency guidance providing appropriate penalties for specific minor violations will be prepared for EPA employees and made available to the regulated community. Training on the issuance of field citations will also be developed.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/94	59 FR 22776
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Additional Information:** SAN No. 2937

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**RIN:** 2020-AA32

**3387. NSPS AND EMISSION GUIDELINES FOR OTHER SOLID WASTE INCINERATORS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7509 CAA sec 129

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** Section 129 of the Clean Air Act of 1990 requires the Agency to promulgate New Source Performance Standards (NSPS) and Emission Guidelines (EG) for solid waste incinerators. Section 129 specifically required the Administrator to publish a schedule for regulating Other Solid Waste Incinerators (OSWI). A notice published on November 9, 2000 announced that the Administrator would promulgate OSWI standards by November 15, 2005. The notice also listed what classes of incinerators might be covered by the OSWI standards. Standards will be set for the following pollutants: particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead cadmium, mercury, and dioxins and dibenzofurans.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/09/00	65 FR 66850
NPRM	11/00/04	
Final Action	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 3751

**Agency Contact:** Fred Porter, Environmental Protection Agency, Air

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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**RIN:** 2060-AG31

**3388. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON-FEDERAL CLASS I AREAS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7670 to 7479 CAA sec 160-169

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

**Legal Deadline:** None

**Abstract:** Under the Clean Air Act's prevention of significant deterioration (PSD) program, a State or tribe may redesignate their lands as class I areas to provide enhanced protection for their air quality resources. This rule will clarify the PSD permit review procedures for new and modified major stationary sources near these non-Federal class I areas. EPA seeks to develop clarifying PSD permit application procedures that are effective, efficient, and equitable.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/16/97	62 FR 27158
NPRM	10/00/02	
Final Action	10/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Tribal

**Additional Information:** SAN No. 3919

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**RIN:** 2060-AH01

**3389. CONSUMER AND COMMERCIAL PRODUCTS: FLEXIBLE PACKAGE PRINTING MATERIALS: DETERMINATION ON CONTROL TECHNIQUES GUIDELINES IN LIEU OF REGULATION**

**Priority:** Other Significant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In accordance with Section 183(e) of the Clean Air Act, EPA identified flexible package printing materials as a category of consumer and commercial products prioritized for regulation to reduce VOC emissions in ozone nonattainment areas. Section 183(e)(3)(C) gives EPA the authority to issue Control Techniques Guidelines (CTG) in lieu of regulation if the Administrator determines that CTG are substantially as effective as regulation in reducing VOC emissions in ozone nonattainment areas. This action will put forward EPA's proposed determination under section 183(e)(3)(C).

**Timetable:**

Action	Date	FR Cite
Final Action - Final Determination/CTG	04/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4245

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**RIN:** 2060-AI31

**3390. • FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA SULFUR DIOXIDE (SO<sub>2</sub>) AREA**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 52

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**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

**3391. REVIEW NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 50

**Legal Deadline:** Final, Statutory, May 31, 2001, Clean Air Act requires reviews every five years.

**Abstract:** Review of the national ambient air quality standards (NAAQS) for carbon monoxide (CO) every 5 years is mandated by the Clean Air Act. This review assesses the available scientific

## EPA—Clean Air Act (CAA)

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data about the health and environmental effects of CO and translates the science into terms that can be used in making recommendations about whether or how the standards should be changed. The last review of the CO NAAQS was completed in 1994 with a final decision that revisions were not appropriate at that time.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4266

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**RIN:** 2060-AI43

### 3392. IDENTIFICATION OF ADDITIONAL OZONE AREAS ATTAINING THE 1-HOUR STANDARD AND TO WHICH THE 1-HOUR STANDARD IS NO LONGER APPLICABLE (7 AREAS)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 81 (Revision)

**Legal Deadline:** None

**Abstract:** EPA proposes to identify several additional ozone areas where the 1-hour standard is no longer applicable. This proposed action is based upon analysis of quality-assured, ambient air quality monitoring data showing no violations of the 1-hour ozone standard. Determinations for this notice were based upon the most recent data available, i.e., 1996-1998. The EPA has previously taken final action

regarding the applicability of the 1-hour standard for other areas on June 5, 1998 and July 22, 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/99	64 FR 30937
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4274

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**RIN:** 2060-AI57

### 3393. REVISION TO NOX SIP CALL EMISSION BUDGETS FOR CONNECTICUT, MASSACHUSETTS AND RHODE ISLAND

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** On October 27, 1998, EPA published a final rule (the "OTAG SIP Call") making a finding of significant contribution and assigning statewide NOx emission budgets to 22 States and the District of Columbia for purposes of reducing regional transport of ozone and its precursor, NOx. Subsequent to the promulgation of the SIP call, EPA and the States of Connecticut, Massachusetts and Rhode Island signed a memorandum of understanding that obligated EPA to propose to redistribute the budgets assigned to the three States in a different way. This action would carry out that obligation. This redistribution would not lead to an increase in the overall budget for the three States.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	09/15/99	64 FR 49987
Withdrawal of Direct Final Rule	11/01/99	64 FR 58792
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4276

Direct Final Action-  
[http://www.epa.gov/fedrgstr/EPA-](http://www.epa.gov/fedrgstr/EPA-AIR/1999/September/Day-15/a23914.htm)

AIR/1999/September/Day-15/a23914.htm Withdrawal-

[http://www.epa.gov/fedrgstr/EPA-](http://www.epa.gov/fedrgstr/EPA-AIR/1999/November/Day-01/a28519.htm)

AIR/1999/November/Day-01/a28519.htm

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**RIN:** 2060-AI80

### 3394. INTERSTATE OZONE TRANSPORT: RULEMAKING ON SECTION 126 PETITIONS FROM THE DISTRICT OF COLUMBIA, DELAWARE, MARYLAND, AND NEW JERSEY

**Priority:** Economically Significant

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

**Legal Authority:** 42 USC 7426

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

**Legal Deadline:** Final, Statutory, December 14, 1999, The rulemaking includes action on 4 separate petitions. See Additional Information.

There is a different statutory deadline associated with each petition based on the date of receipt by EPA: New Jersey-12/14/99, Maryland-01/01/00, Delaware-02/10/00, District of Columbia-03/07-00.

**Abstract:** In April through July 1999, 3 Northeastern States (New Jersey,

## EPA—Clean Air Act (CAA)

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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 (NO<sub>x</sub>) 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 NO<sub>x</sub> SIP call. The sources targeted by the petitions are large electricity generating units and large non-electricity generating units, as defined in EPA's NO<sub>x</sub> SIP call. The CAA requires EPA to take final action on the petitions within 60 days of receipt, but may extend the deadline for up to 6 additional months to allow for public process. The EPA took rulemaking action on similar petitions from 8 other Northeastern States that were submitted in 1997.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined**Additional Information:** SAN No. 4383

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**RIN:** 2060-AI99

**3395. RESCINDING FINDING THAT PRE-EXISTING PM<sub>10</sub> STANDARDS NO LONGER APPLICABLE IN NORTHERN ADA COUNTY/BOISE, IDAHO**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The EPA had previously taken action to revoke the PM-10 national ambient air quality standards (NAAQS) for the Boise/Ada County area in anticipation that a revised PM-10 NAAQS would soon be in place. However, the DC Circuit court subsequently vacated the revised PM-10 NAAQS, the effectiveness of which served as the underlying basis for EPA's decision to revoke the pre-existing PM-10 NAAQS. Therefore, in order to protect public health in the Boise/Ada County area, EPA is proposing to reinstate the pre-existing PM-10 NAAQS. Without this action there would be no Federal PM-10 NAAQS applicable to this area. This action is tentatively subject to the terms of a settlement agreement that was signed by all parties in January 2001. A Federal Register notice of the proposed settlement requesting public comment was published January 30, 2001 in accordance with section 113(g) of the Act. Written comments on the proposed settlement agreement must be received by EPA (Mike Prosper) by March 1, 2001. Unless EPA or DOJ determine, following the comment period, that consent is inappropriate the settlement agreement will then be executed by the parties. This action will then be fully subject to the terms of the settlement agreement.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/00	65 FR 39321
Notice Extension of Comment Period	07/26/00	65 FR 45953
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4391

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**RIN:** 2060-AJ05

**3396. PROJECT XL SITE-SPECIFIC RULEMAKING FOR GEORGIA-PACIFIC CORPORATION'S FACILITY IN BIG ISLAND, VIRGINIA**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** Under the Project XL program, the EPA is supporting a project for the Georgia-Pacific Corporation facility located in Big Island, Virginia. The EPA is promulgating this rule, applicable only to the Georgia-Pacific Big Island facility, to help implement the project. Under the XL project, Georgia-Pacific will install and operate the first commercial scale black liquor gasification system in the United States. This system will provide superior air emissions reductions and energy benefits compared to use of conventional recovery technology for black liquor in the pulp and paper industry. However, since this will be the first commercial scale demonstration of this technology, there is some risk that the technology will take longer than planned to work properly or may not ever work properly. If either of these scenarios happens, Georgia-Pacific requires relief from otherwise applicable air emission standards to allow time for the new technology to achieve expected performance or, in the event of failure, to allow time for Georgia-Pacific to build conventional recovery technology that will meet applicable standards. Without this relief, Georgia-Pacific would not undertake commercialization of this promising technology. Therefore, this rule provides relief (in the form of limited duration compliance extensions) from otherwise applicable hazardous air pollutant emission standards, as needed during the conduct of the XL project. The specific standard amended by this rule is:

**EPA—Clean Air Act (CAA)**

**Long-Term Actions**

“Standards for Hazardous Air Pollutants From Chemical Recovery Combustion Sources at Kraft, Soda, Sulfate, and Stand-Alone Semichemical Pulp Mills.”

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4471

Formerly RIN 2060-AJ39.

**Sectors Affected:** 32211 Pulp Mills; 32211 Pulp Mills

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**RIN:** 2090-AA26

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**Completed Actions**

**Clean Air Act (CAA)**

**3397. METHOD 301: FIELD VALIDATION OF POLLUTION MEASUREMENT METHODS FOR VARIOUS MEDIA; REVISIONS**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/20/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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**RIN:** 2060-AF00

**3398. AMENDMENTS FOR TESTING AND MONITORING PROVISIONS TO PART 60, PART 61, AND PART 63**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Final Action	10/17/00	65 FR 61744

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AG21

**3399. CONSOLIDATED FEDERAL AIR RULE FOR THE SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Final Action	12/14/00	65 FR 78267

**Regulatory Flexibility Analysis**

**Required:** No

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

**Sectors Affected:** 3251 Basic Chemical Manufacturing; 32411 Petroleum Refineries

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**RIN:** 2060-AG28

**3400. NESHAP: ORGANIC HAZARDOUS AIR POLLUTANTS FROM THE SYNTHETIC ORGANIC CHEMICAL INDUSTRY (SOCMI) & OTHER PROCESSES SUBJECT TO THE NEGOTIATED REGULATION FOR EQUIPMENT LEAKS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63.100 to 63.152

**Completed:**

Reason	Date	FR Cite
Final Action	01/22/01	66 FR 6921

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AH81

**3401. DECISION ON A PETITION FROM THE TERRITORY OF AMERICAN SAMOA TO BE EXEMPTED FROM THE GASOLINE ANTI-DUMPING REGULATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 80.90 to 80.130

**Completed:**

Reason	Date	FR Cite
NPRM	11/29/00	65 FR 71079
Direct Final Rule	11/29/00	65 FR 71067
Direct Final Rule Effective Date Delayed	01/29/01	66 FR 8089
Direct Final Rule Effective	03/30/01	

**Regulatory Flexibility Analysis**

**Required:** No

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

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**RIN:** 2060-AI60

## EPA—Clean Air Act (CAA)

## Completed Actions

**3402. • NESHAP: OFF-SITE WASTE AND RECOVERY OPERATIONS; FINAL RULE—SETTLE AGREEMENT; AND NESHAP FOR OFF-SITE WASTE AND RECOVERY OPERATIONS; TECHNICAL AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None**Abstract:** This action contains correction errors in the final rule and the July 1999 amendments. The notice includes: (1) correction to the amendatory instructions; (2) amendments to monitoring requirements; and (3) correction of typos and formatting errors.**Timetable:**

Action	Date	FR Cite
Final Action	01/08/01	66 FR 1263

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4504  
Split from RIN 2060-AH96.**Sectors Affected:** 32411 Petroleum Refineries; 325412 Pharmaceutical Preparation Manufacturing; 32731 Cement Manufacturing; 562112 Hazardous Waste Collection**Agency Contact:** Elaine Manning, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711  
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Reason	Date	FR Cite
Final Action	06/10/99	64 FR 31358

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Federal**Agency Contact:** Mary Johnson  
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Email: crowder.jim@epa.gov**RIN:** 2060-AE44**3404. PETROLEUM SOLVENT DRY CLEANERS MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) STANDARD****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Notice	01/30/01	66 FR 8220

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local, Federal**Agency Contact:** Tony Wayne  
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Email: wyatt.susan@epa.gov**RIN:** 2060-AG34**3405. REVISIONS TO THE REGULATION FOR APPROVAL OF STATE PROGRAMS AND DELEGATION OF FEDERAL AUTHORITIES 112(L)****Priority:** Other Significant**CFR Citation:** 40 CFR 63(E)**Completed:**

Reason	Date	FR Cite
Final Action	09/14/00	65 FR 55809

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Driscoll  
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Action	Date	FR Cite
Duplicate of SAN 4460, RIN 2060-AJ18	02/27/01	

**RIN:** 2060-AG87**3407. NESHAP: MANUFACTURE OF CARBON BLACK****Timetable:**

Action	Date	FR Cite
Duplicate of SAN 4105, RIN 2060-AH68	02/27/01	

**RIN:** 2060-AH19**3408. NESHAP: FLEXIBLE POLYURETHANE FOAM FABRICATION OPERATIONS****Timetable:**

Action	Date	FR Cite
Duplicate of SAN 4449, RIN 2060-AJ19	02/27/01	

**RIN:** 2060-AH42**3409. NESHAP: PROCESS HEATERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Merged With SAN 3837, RIN 2060-AG69	02/27/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** James Eddinger  
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## EPA—Clean Air Act (CAA)

## Completed Actions

**3410. NESHAP: AMINO/PHENOLIC RESINS AMENDMENT****Timetable:**

Action	Date	FR Cite
Duplicate of SAN 4484, RIN 2060-AJ45	03/16/01	

RIN: 2060-AJ32

**3411. NSPS AND EMISSION GUIDELINES FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS****Priority:** Other Significant**CFR Citation:** 40 CFR 60**Completed:**

Reason	Date	FR Cite
Final Action	12/01/00	65 FR 75338

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

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RIN: 2060-AF91

**3412. PROTECTION OF STRATOSPHERIC OZONE: INCORPORATION OF CLEAN AIR ACT AMENDMENTS FOR REDUCTION IN CLASS I, GROUP VI CONTROLLED SUBSTANCES****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 82**Completed:**

Reason	Date	FR Cite
Direct Final Rule	11/28/00	65 FR 70795

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

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RIN: 2060-AI41

**3413. AMENDMENTS TO VEHICLE INSPECTION MAINTENANCE PROGRAM REQUIREMENTS IMPLEMENTING THE ONBOARD DIAGNOSTIC CHECK; AMENDMENT TO THE FINAL RULE****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 51; 40 CFR 85**Completed:**

Reason	Date	FR Cite
Final Action Amendments to Vehicle I/M Program Requirements for OBD Checks	04/05/01	66 FR 18155

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

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RIN: 2060-AJ03

**3414. NESHAP: ALUMINA PROCESSING****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Notice	01/30/01	66 FR 8220

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local, Tribal, Federal**Sectors Affected:** 325188 All Other Basic Inorganic Chemical Manufacturing

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RIN: 2060-AH70

**3415. NESHAP: CHEMICAL RECOVERY COMBUSTION SOURCES AT KRAFT, SODA, SULFITE AND STAND-ALONE SEMICHEMICAL PULP MILLS****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 63; 40 CFR 430**Completed:**

Reason	Date	FR Cite
Final Action	01/12/01	66 FR 3179

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

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RIN: 2060-AI34

**3416. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW COMPRESSION-IGNITION AND SPARK-IGNITION RECREATIONAL MARINE ENGINES****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 94**Completed:**

Reason	Date	FR Cite
Merged With RIN 2060-AI11, SAN 4154	02/15/01	

**Regulatory Flexibility Analysis Required:** Yes**Government Levels Affected:** Federal

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RIN: 2060-AI36

**3417. STANDARDS AND GUIDELINES FOR SMALL MUNICIPAL WASTE COMBUSTION UNITS****Priority:** Other Significant**CFR Citation:** 40 CFR 60

## EPA—Clean Air Act (CAA)

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	12/06/00	65 FR 76349

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Rick Copland

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**RIN:** 2060-AI51**3418. REVISION OF SCHEDULE FOR STANDARDS UNDER SECTION 112 OF THE CAA****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Notice	01/30/01	66 FR 8220

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Yvonne W. Johnson

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**RIN:** 2060-AI52**3419. CONTROL OF EMISSIONS OF HAZARDOUS POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS****Priority:** Other Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 80; 40 CFR 86**Completed:**

Reason	Date	FR Cite
Final Action	03/29/01	66 FR 17229

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Jean Marie Revelt

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**RIN:** 2060-AI55**3420. NATIONAL EMISSION STANDARDS FOR BENZENE EMISSIONS FROM COKE BYPRODUCT RECOVERY PLANTS (PART 61, SUBPART L)****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 61**Completed:**

Reason	Date	FR Cite
Notice	01/30/01	66 FR 8220

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Lula Melton

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**RIN:** 2060-AI65**3421. HEAVY-DUTY ENGINE EMISSION STANDARDS & DIESEL FUEL SULFUR CONTROL REQUIREMENTS****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 69; 40 CFR 80; 40 CFR 86**Completed:**

Reason	Date	FR Cite
Final Action	01/18/01	66 FR 5002

**Regulatory Flexibility Analysis**

Required: Yes

**Government Levels Affected:** None**Agency Contact:** Don Kopinski

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**RIN:** 2060-AI69**3422. AMENDMENTS TO THE AEROSPACE MANUFACTURING AND REWORK FACILITIES NESHAP FOR THE HAP AND VOC CONTENT LIMITS FOR PRIMER OPERATIONS AND STAY OF COMPLIANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63.745(c)(1)-(2)**Completed:**

Reason	Date	FR Cite
Final Action Amendment	12/08/00	65 FR 76941

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** State, Local, Federal**Sectors Affected:** 336411 Aircraft Manufacturing**Agency Contact:** Jaime Pagan

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**RIN:** 2060-AI77**3423. NESHAP: PHARMACEUTICALS PRODUCTION; FINAL AMENDMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR part 63**Completed:**

Reason	Date	FR Cite
Final Action	08/29/00	65 FR 52588

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Sectors Affected:** 325411 Medicinal and Botanical Manufacturing; 325412 Pharmaceutical Preparation Manufacturing**Agency Contact:** Randy McDonald

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**RIN:** 2060-AI78

## EPA—Clean Air Act (CAA)

## Completed Actions

**3424. NATIONAL AMBIENT AIR QUALITY STANDARD FOR OZONE - CORRECTIONS NOTICE****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 50.9 (a)**Completed:**

Reason	Date	FR Cite
Withdrawn - The Agency Plans No Further Action	03/14/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State**Agency Contact:** Brenda Millar

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**RIN:** 2060-AI95**3425. 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	FR Cite
Direct Final Rule	03/01/01	66 FR 12872

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Peter Westlin

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**RIN:** 2060-AJ04**3426. REVISION OF STANDARDS OF PERFORMANCE FOR NITROGEN OXIDE EMISSIONS FROM NEW FOSSIL-FUEL FIRED STEAM GENERATING UNITS****Priority:** Other Significant**CFR Citation:** 40 CFR 60.40**Completed:**

Reason	Date	FR Cite
Direct Final Rule	04/10/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation**Agency Contact:** Richard Vetter

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**RIN:** 2060-AJ22**3427. REVISION TO THE SOURCE CATEGORY LISTING FOR SECTION 112(D)(2) RULEMAKING PURSUANT TO SECTION 112(C)(6) REQUIREMENTS****Priority:** Routine and Frequent**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Notice	08/03/00	65 FR 47725

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Anthony P. Wayne

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**RIN:** 2060-AJ24**3428. STRATOSPHERIC OZONE PROTECTION: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2001****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 82.4**Completed:**

Reason	Date	FR Cite
NPRM	10/06/00	65 FR 59783
Final Action	01/08/01	66 FR 1461

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Erin Birgfeld

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**RIN:** 2060-AJ33**3429. STAY OF THE 8-HOUR PORTION OF FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 51; 40 CFR 52(a)**Completed:**

Reason	Date	FR Cite
Final Action	09/18/00	65 FR 56245

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Jan King

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**RIN:** 2060-AJ37**3430. NATIONAL AIR TOXICS PROGRAM: INTEGRATED STRATEGY, REPORT TO CONGRESS****Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Notice - Report to Congress	10/10/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Chris Stoneman

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**RIN:** 2060-AJ38

## EPA—Clean Air Act (CAA)

## Completed Actions

**3431. PROJECT XL SITE-SPECIFIC RULEMAKING FOR GEORGIA-PACIFIC CORPORATION'S FACILITY IN BIG ISLAND, VIRGINIA****Timetable:**

Action	Date	FR Cite
Transferred to RIN 2090-AA26	03/21/01	

RIN: 2060-AJ39

**3432. AMENDMENTS TO NESHAP: OFF-SITE WASTE AND RECOVERY OPERATIONS****Timetable:**

Action	Date	FR Cite
Duplicate of SAN 4504, RIN 2060-AJ44	03/15/01	

RIN: 2060-AJ40

**3433. ● PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES—N-PROPYLBROMIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82 (Revision)**Legal Deadline:** None**Abstract:** This rule proposes to add n-propylbromide (nPB) to the list of

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

**Timetable:**

Action	Date	FR Cite
ANPRM Prot. of Stratospheric Ozone--Substitutes Listing	02/18/99	64 FR 8043
Withdrawn	04/20/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4527

The previous ANPRM was under SAN No. 3525.

**Sectors Affected:** 325199 All Other Basic Organic Chemical Manufacturing; 334413 Semiconductor and Related Device Manufacturing; 334418 Printed Circuit/Electronics Assembly Manufacturing; 337121 Upholstered Household Furniture Manufacturing; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring

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RIN: 2060-AJ58

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Proposed Rule Stage

## Atomic Energy Act (AEA)

**3434. PROTECTIVE ACTION GUIDANCE FOR DRINKING WATER****Priority:** Other Significant**Legal Authority:** 42 USC 2021(h) AEA of 1954 sec 274(h); Reorganization Plan No. 3 of 1970; PL 96-295 sec 304; EO 12241**CFR Citation:** 41 CFR 351**Legal Deadline:** None

**Abstract:** This action will result in Federal protective action guidance (PAG) for State and local officials to use in the event of a nuclear accident to protect the general public from the adverse health effects associated with the ingestion of drinking water that is contaminated with radioactive material. The PAG will be incorporated into the Revision of the PAG Manual. The draft

guidance will be submitted to the PAG Subcommittee of the Federal Radiological Preparedness Coordinating Committee (FRPCC) for review and comment. Members of the PAG subcommittee include representatives from DOE, DOD, FEMA, NRC, HHS, USDA, DOT, and the Conference of Radiation Control Program Directors (CRCPD). When a consensus among the representatives is reached, the guidance is recommended to the full FRPCC for endorsement. After that endorsement is obtained a notice of the availability of a revised EPA 400-R-92-001, Manual of Protective Action Guides and Protective Actions for Nuclear Incidents will be published in the Federal Register. This action is temporarily delayed until the FDA's revised PAGs for Food can be evaluated.

**Timetable:**

Action	Date	FR Cite
Notice of Availability	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 3602

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RIN: 2060-AF39

## EPA—Atomic Energy Act (AEA)

## Completed Actions

**3435. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE DISPOSAL OF LOW-ACTIVITY MIXED RADIOACTIVE WASTE****Priority:** Other Significant**Legal Authority:** 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No. 3 of 1970; Nuclear Waste Policy Act of 1982**CFR Citation:** 40 CFR 193**Legal Deadline:** None

**Abstract:** This voluntary action will allow low-activity mixed radioactive wastes to be disposed in facilities that meet the design requirements for RCRA-C disposal cells. The wastes intended to be disposed of in these cells are mixed wastes, consisting of a chemically hazardous component and low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources. The rule is intended to increase disposal options for these wastes and offer a streamlined regulatory process which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. The rule does not mandate a disposal method, but rather permits an alternative to existing disposal methods. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of this rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4054**Agency Contact:** Dan Schultheisz, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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**RIN:** 2060-AH63**3436. REVISION OF THE 40 CFR PART 194 WASTE ISOLATION PILOT PLANT COMPLIANCE CRITERIA****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 102-579; PL 104-201; Waste Isolation Pilot Plant Land Withdrawal Act of 1992; 106 Stat. 4777 as amended by the 1996 LWA Amendments**CFR Citation:** 40 CFR 194.8(b)**Legal Deadline:** None

**Abstract:** This rule would change some of the language in Section 194.8(b) of the Waste Isolation Pilot Plant (WIPP) Compliance Criteria without deleting any of the requirements for the Department of Energy's (DOE) compliance. Section 194.8(b) explains the process by which EPA inspects and approves waste characterization processes at DOE transuranic waste sites that send waste to the WIPP. The 194.8(b) process involves a public comment period. Most of the language in Section 194.8(b) will be left intact. The most significant change would eliminate a statement that EPA will follow the 194.8(b) notice-and-comment process each time a previously-approved site seeks to send a different "waste stream" to the WIPP. Other changes would correct certain terminology and clarify the important elements of our inspections. This rule would eliminate the ambiguity of the

current language and replace it with: (1) a site can ship waste once EPA has approved it using a notice-and-comment process; (2) EPA will perform follow-up inspections under a separate authority that does not call for public comment; and (3) EPA can disallow shipment if an initial or follow-up inspection reveals significant compliance issues. The main purpose of this revision is to eliminate EPA's obligation to approve DOE sites on a waste stream by waste stream basis. Our understanding of DOE's operations has improved considerably since 194.8(b) went final in May 1998. We now recognize that approving sites by waste stream, using a comment period, is unnecessarily time-consuming for EPA staff, confusing for DOE, and generates almost no public comment. In addition, repetitive inspections at sites are expensive and provide little additional regulatory confidence. This rule will save money and will greatly improve the effectiveness of our interactions with DOE.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4403**Agency Contact:** Scott Monroe, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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**RIN:** 2060-AJ07

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Proposed Rule Stage

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

**3437. PLANT INCORPORATED PROTECTANTS (FORMERLY PLANT PESTICIDES) RULEMAKINGS****Priority:** Other Significant**Legal Authority:** 21 USC 346(a) et seq; 7 USC 136 et seq**CFR Citation:** 40 CFR 152.20; 40 CFR 174**Legal Deadline:** None

**Abstract:** Substances that plants produce to protect themselves against pests are pesticides under FIFRA if humans intend to use them to destroy, prevent, repel or mitigate any pest. The Agency designates these substances, along with the genetic material necessary to produce them, plant-pesticides. This rulemaking will change the name of these pesticides to plant-

incorporated protectants and will clarify the relationship between plants and plant-incorporated protectants and exempt conventional breeding and establishes a new part in title 40 of the CFR, part 174, which consolidates regulations specific for plant-pesticides in one part of the CFR. The proposed consolidation is expected to benefit the public by providing greater focus,

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Proposed Rule Stage

enhanced clarity and ease of use. These actions may reduce burden on both the regulated community and EPA.

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM	05/16/97	62 FR 27132
Supplemental NPRM	04/23/99	64 FR 19958
Request for Comment on Alternate Name		
Supplemental NPRM	04/00/01	
Seeks Additional Comment on Other Exemptions		
Final Action	04/00/01	
Regulations Under FFDC (Tolerance Exemptions)		
Final Action	04/00/01	
Regulations Under FIFRA		
Final Action - Final Decision on Remaining FFDC Tolerance Exemptions	04/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 2684

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing; 111 Crop Production; 54171 Research and Development in the Physical Sciences and Engineering Sciences

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**RIN:** 2070-AC02

**3438. DATA REQUIREMENTS FOR PESTICIDE REGISTRATION; TOXICOLOGY, EXPOSURE AND RESIDUE CHEMISTRY**

**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 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 is limited to human health and exposure data requirements.

**Timetable:**

Action	Date	FR Cite
NPRM - Toxicology, Exposure and Residue Chemistry Portions	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 2687

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AC12

**3439. PESTICIDES; PROCEDURES FOR REGISTRATION REVIEW PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136(a)(g); 7 USC 136(w)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Agency is establishing procedures to implement section 3(g) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) which provides for periodic review of pesticide registrations. The goal of these regulations is to review a pesticide's registration every 15 years.

**Timetable:**

Action	Date	FR Cite
ANPRM Pesticides- Procedural Regulations for Registration Review	04/26/00	65 FR 24586
NPRM	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4170

**Sectors Affected:** 32519 Other Basic Organic Chemical Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

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**RIN:** 2070-AD29

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

**3440. DATA REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE REGISTRATION; PRODUCT CHEMISTRY REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136a, 136c, 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. EPA will also update its product chemistry data requirements applicable to all products.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**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

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**RIN:** 2070-AD30**3441. • DATA REQUIREMENT FOR PESTICIDE REGISTRATION; ENVIRONMENTAL FATE AND ECOLOGICAL EFFECTS****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 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 covers the

data requirements for environmental fate and terrestrial and aquatic non-target organisms (ecological effects).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4496

Split from RIN 2070-AC12.

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing**Agency Contact:** Melissa Chun, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460

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**RIN:** 2070-AD47

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

**3442. 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:** None

**Abstract:** FIFRA sec. 19 gives EPA authority to regulate the management of pesticides and their containers, including storage, transportation and disposal. As proposed, this rule would establish standards for removal of pesticides from containers and for rinsing containers; facilitate the safe use, refill, reuse, and disposal of pesticide containers by establishing

standards for container design, labeling and refilling; and establish requirements for containment of stationary bulk containers and for containment of pesticide dispensing areas.

**Timetable:**

Action	Date	FR Cite
NPRM (Container Design & Residue Removal & Bulk Containment)	02/11/94	59 FR 6712
Supplemental NPRM Extension of Comment Period	12/21/99	64 FR 71368
Supplemental NPRM Extension of Comment Period	02/24/00	65 FR 9234
Final Action	11/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2659Supplemental NPRM-  
<http://www.epa.gov/fedrgstr/EPA-PEST/1999/October/Day-21/p27397.htm>**Sectors Affected:** 42291 Farm Supplies Wholesalers; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 11511 Support Activities for Crop Production**Agency Contact:** Nancy Fitz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460

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## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

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**RIN:** 2070-AB95

**3443. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE****Priority:** Other Significant**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 would establish Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority has 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.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33259
Notice of Availability regarding Metolachlor	02/23/00	65 FR 8925
Supplemental NPRM - Notice of Availability and Extension of Comment Period	03/24/00	65 FR 15885
Final Action	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Tribal, Federal**Additional Information:** SAN No. 3222**Sectors Affected:** 9241 Administration of Environmental Quality Programs

**Agency Contact:** Arthur-Jean B. Williams, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460  
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**RIN:** 2070-AC46

**3444. WPS; PESTICIDE WORKER PROTECTION STANDARD; GLOVE AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(w)**CFR Citation:** 40 CFR 170**Legal Deadline:** None

**Abstract:** This final rule would create greater flexibility in requirements of the 1992 Worker Protection Standard related to the use of gloves by workers and applicators.

**Timetable:**

Action	Date	FR Cite
NPRM Glove Requirement	09/09/97	62 FR 47544
Final Action	09/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3731

NPRM-  
<http://www.epa.gov/fedrgstr/EPA-PEST/1997/September/Day-09/p23833.htm>

**Sectors Affected:** 111 Crop Production; 1114 Greenhouse, Nursery and Floriculture Production; 1131 Timber Tract Operations; 115 Support Activities for Agriculture and Forestry

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**RIN:** 2070-AC93**3445. REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS; AND OTHER PESTICIDE REGULATORY CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(a)(h); 7 USC 136(w)**CFR Citation:** 40 CFR 152; 40 CFR 156

**Legal Deadline:** Final, Statutory, September 15, 2000, The Final Rule is due 240 days after close of comment period.

**Abstract:** This regulation will specify antimicrobial registration reforms that will reduce to the extent possible the review time for antimicrobial pesticides. The regulation will clarify criteria for completeness of applications, and will specify or refer to a definition of the various classes of antimicrobial pesticide use patterns and the associated data and labeling requirements that would be consistent with the degree and type of risk presented by each class. In addition, the regulation will also include labeling standards for public health antimicrobial products. This regulation will also implement some general provisions of FIFRA pertaining to all pesticides, including labeling requirements. EPA intends to promulgate these last provisions separately from the antimicrobial portion of the proposal.

**Timetable:**

Action	Date	FR Cite
NPRM Reg. Require. for Anti Pest. Products/Other Pest Reg Changes	09/17/99	64 FR 50671
Notice Extends Comment Period to January 18, 2000	11/16/99	64 FR 62145
Final Action Labeling and other regulatory portions	05/00/01	
Final Action Antimicrobial procedural portion only.	09/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3892

**EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**

**Final Rule Stage**

**Sectors Affected:** 32519 Other Basic Organic Chemical Manufacturing; 32531 Fertilizer Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32561 Soap and Cleaning Compound Manufacturing; 42269 Other Chemical

and Allied Products Wholesalers; 42291 Farm Supplies Wholesalers

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**RIN:** 2070-AD14

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**Long-Term Actions**

**Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**

**3446. REGULATORY REVIEW OF PESTICIDE EMERGENCY EXEMPTION REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136(p)

**CFR Citation:** 40 CFR 166

**Legal Deadline:** None

**Abstract:** EPA will propose revisions to its regulations on emergency exemptions under section 18 of the Federal Insecticide, Fungicide and Rodenticide Act. Emergency exemptions allow temporary use of a pesticide not in accordance with registration requirements when emergency conditions exist. In the 1995 Presidential Reinvention Initiative, EPA identified a number of issues and options for change, which have been refined through informal discussions with States, user groups, and other stakeholders. EPA is considering revisions in four areas: 1) Options for increased authority for States to administer certain aspects of the exemption process, or increased use by EPA of multi-year exemptions, or some combination of these; 2) the use of emergency exemptions to address pesticide resistance; 3) the possibility of granting of exemptions based upon reduced risk considerations; and 4) definitions of emergency situation and significant economic loss, which affect whether an exemption may be granted.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4216

**Sectors Affected:** 9241 Administration of Environmental Quality Programs

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**RIN:** 2070-AD36

**3447. PESTICIDE MANAGEMENT AND DISPOSAL**

**Priority:** Other Significant

**Legal Authority:** 7 USC 136 et seq

**CFR Citation:** 40 CFR 165

**Legal Deadline:** None

**Abstract:** This action develops procedures for mandatory and voluntary recall actions under section 19(b) of FIFRA and would establish criteria for acceptable storage and disposal plans which registrants may submit to this Agency to become eligible for reimbursement of storage costs. This action establishes procedures for indemnification of owners of suspended and canceled pesticides for disposal.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/93	58 FR 26856
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 3432

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**RIN:** 2020-AA33

**3448. ENDOCRINE DISRUPTOR SCREENING PROGRAM**

**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:** Final, Statutory, August 3, 1999.

**Abstract:** This final policy statement will set forth EPA's Endocrine Disruptor Screening Program and the procedures to be followed by regulated entities and the Agency. EPA published a proposed policy statement setting forth the Screening Program on December 28, 1998. In the final policy statement, EPA will describe the screens and tests that it will require as part of the Program. It also will address certain issues related to implementing the Program. The major actions in 2001-2003 will be the standardization and validation of assays in the screening battery and the completion of the priority setting system.

**Timetable:**

Action	Date	FR Cite
Notice Outline of Screening Program	08/11/98	63 FR 42852

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Long-Term Actions

Action	Date	FR Cite	Small Entities Affected: No	Fax: 202 401-1282
Notice Proposed Screening Program & Request for Comment	12/28/98	63 FR 71542	<b>Government Levels Affected:</b> Federal	Email: timm.gary@epa.gov
NPRM Proposed Procedural Rule	06/00/02		<b>Additional Information:</b> SAN No. 4143	Anthony Maciorowski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7201, Washington, DC 20460
Final Action Final Screening Program	06/00/03		In August 2000, the Agency submitted the required Status Report to Congress.	Phone: 202 260-3573
<b>Regulatory Flexibility Analysis Required:</b> No			<b>Agency Contact:</b> Gary Timm, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7201, Washington, DC 20460	Fax: 202 401-1282
			Phone: 202 260-3573	Email: maciorowski.anthony@epa.gov
				<b>RIN:</b> 2070-AD26

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Completed Actions

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## 3449. TOLERANCES FOR PESTICIDE EMERGENCY EXEMPTIONS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 176

**Completed:**

Reason	Date	FR Cite
Final Action Time-Limited Tolerances for Pest Exempt.	10/25/00	65 FR 64126

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Federal

**Sectors Affected:** 111 Crop Production; 112 Animal Production; 9241 Administration of Environmental Quality Programs

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**RIN:** 2070-AD15

## 3450. POLICY OR PROCEDURES FOR NOTIFICATION TO THE AGENCY OF STORED PESTICIDES WITH CANCELED OR SUSPENDED REGISTRATION

**Priority:** Other Significant

**CFR Citation:** 40 CFR 168

**Completed:**

Reason	Date	FR Cite
Withdrawn - Agency Plans No Further Work	03/21/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Federal

**Federalism:** Undetermined

**Agency Contact:** David Stangel  
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**RIN:** 2020-AA29

## 3451. REGISTRATION OF GRANULAR FERTILIZER-PESTICIDE COMBINATION PRODUCTS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 152.43

**Completed:**

Reason	Date	FR Cite
Withdrawn - The Agency Plans No Further Work	02/20/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AD40

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Proposed Rule Stage

## Toxic Substances Control Act (TSCA)

## 3452. TEST RULE; ATSDR SUBSTANCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 42 USC 9604(i) CERCLA 104(i); 42 USC 9601 CEERCLA; 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 to end

**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of certain chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP), and EPA pursuant to the Comprehensive Environmental

Response, Compensation, and Liability Act (CERCLA) section 104(i).

Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program.

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

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.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 2563

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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**RIN:** 2070-AB79

**3453. TSCA SECTION 4 ENFORCEABLE CONSENT 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/EPA) in the administration of section 211 of the Clean Air Act (CAA), has requested that

OPPT use its TSCA section 4 testing authority to obtain health effects data on a number of Oxygenated Fuel Additives (OFA's). These data are needed by EPA and others to increase understanding of the toxicity of these substances individually and in comparison to each other as well as to other OFA's such as methy t-butyl ether (MTBE).

**Timetable:**

Action	Date	FR Cite
Notice Solicit Interested Parties	06/00/01	
Notice ECA	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4174

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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**RIN:** 2070-AD28

**3454. • TEST RULE; MULTI-SUBSTANCE RULE FOR THE TESTING OF 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. This is a re-proposal of a test

rule announced March 4, 1991 (56 FR 9092).

**Timetable:**

Action	Date	FR Cite
NPRM	03/04/91	56 FR 9092
NPRM Reproposal	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4395

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

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**RIN:** 2070-AD44

**3455. 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 721; 40 CFR 707; 40 CFR 710

**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.

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM 2,4-Pentanedione SNUR	09/27/89	54 FR 39548
NPRM Chloranil	05/12/93	58 FR 27980
NPRM Benzidine-based Chemical Substances	08/30/95	60 FR 45119
Final Action Benzidine-based Chemical Substances	10/07/96	61 FR 52287
NPRM Amendment to Benzidine-based Chemical Substances SNUR	12/00/01	
Final Action Amendment to Benzidine-based Chemical Substances SNUR	06/00/02	
NPRM 2,4-Pentanedione SNUR (Reproposal)	06/00/01	
Final Action Final Chloranil SNUR	12/00/02	
NPRM Certain Chemical Substances No Longer in Production SNUR	10/00/01	
NPRM Heavy Metal-Based Pigments in Aerosol Spray Paints SNUR	12/00/01	
NPRM o-Tolidine & o-Dianisidine-based Dyes (Benzidine Congener Dyes)	12/00/01	
NPRM Methylcyclopentane SNUR	05/00/01	
NPRM p-Aminophenol & Bromochloromethane 8(a) Chemical Specific Rule	05/00/01	
NPRM 2-Ethoxyethanol & 2-Methoxyethanol & 2-Methoxyethanol Acetate	05/00/01	

**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 andToxic Substances, 7405, Washington, DC 20460  
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Phone: 202 260-7768  
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Email: dominiak.mary@epa.gov**RIN:** 2070-AA58**3456. • SIGNIFICANT NEW USE RULE; SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604 TSCA 5**CFR Citation:** 40 CFR 704; 40 CFR 721; 40 CFR 707; 40 CFR 710**Legal Deadline:** None**Abstract:** EPA is proposing a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals for use in residential upholstered furniture. The SNUR would require companies wanting to import or manufacture these chemicals for the significant new uses described in the proposed rule to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities.**Timetable:**

Action	Date	FR Cite
NPRM Flame Retardant Chemicals	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4512

Split from RIN 2070-AA58.

**Sectors Affected:** 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing**Agency Contact:** Carolyn Grandson, Environmental Protection Agency, Office of Prevention, Pesticides andToxic Substances, 7405, Washington, DC 20460  
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Phone: 202 260-1771  
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Email: bowser.john@epa.gov**RIN:** 2070-AD48**3457. LEAD-BASED PAINT ACTIVITIES; TRAINING AND CERTIFICATION FOR RENOVATION AND REMODELING****Priority:** Other Significant. Major under 5 USC 801.**Unfunded Mandates:** Undetermined**Legal Authority:** 15 USC 2603 TSCA title IV; PL 102-550 sec 402(c)(3)**CFR Citation:** 40 CFR 745**Legal Deadline:** Final, Statutory, October 28, 1996.**Abstract:** Under section 402(c)(2) of the Toxic Substances Control Act (TSCA) Title IV, EPA conducted a study of the extent to which persons engaged in renovation and remodeling activities in target housing are exposed to lead in the conduct of such activities or disturb lead and create a lead-based paint hazard. EPA must use the results of this study and consult with interested parties to determine which categories of renovation and remodeling activities require training and certification. EPA must then revise the training and certification regulations originally developed for individuals performing lead-based paint abatement under section 402(c)(a) of TSCA Title IV to apply them to the renovation and remodeling categories. If EPA determines that any category does not require certification, EPA must publish an explanation of the basis for that determination.**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

## EPA—Toxic Substances Control Act (TSCA)

Proposed Rule Stage

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

**Additional Information:** SAN No. 3557

**Sectors Affected:** 54138 Testing Laboratories; 531311 Residential Property Managers; 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

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**RIN:** 2070-AC83

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

## Toxic Substances Control Act (TSCA)

## 3458. TSCA INVENTORY UPDATE RULE AMENDMENTS

**Priority:** Other Significant

**Legal Authority:** 15 USC 2607(a) TSCA 8(a)

**CFR Citation:** 40 CFR 710

**Legal Deadline:** None

**Abstract:** This action would amend the current Toxic Substances Control Act (TSCA) Inventory Update Rule (IUR) to require chemical manufacturers to report to EPA data on exposure-related information and the industrial and consumer end uses of chemicals they produce or import. Currently, EPA requires chemical manufacturers to report the names of the chemicals they produce, as well as the locations of manufacturing facilities and the quantities produced. About 3,000 facilities reported data on about 9,000 unique chemicals during the last reporting cycle under the IUR. Data obtained would be used by EPA and others to: better understand the potential for chemical exposures; screen the chemicals now in commerce and identify those of highest concern; establish priorities and goals for their chemical assessment, risk management and prevention programs, and monitor the programs' progress; encourage pollution prevention by identifying potentially safer substitute chemicals for uses of potential concern; and enhance the effectiveness of chemical risk communication efforts.

Additionally, EPA will consider other amendments to the IUR. These include removing the inorganic chemicals exemption; providing the information to better assess and manage risks of inorganic chemicals; improving the linkages of IUR data to other data sources to enhance the data's usefulness; and altering the confidential business information (CBI) claim procedures to reduce the frequency of CBI claims, allowing the public greater

access to relevant information on toxic chemicals. EPA has held meetings with representatives of the chemical industry, environmental groups, environmental justice leaders, labor groups, State governments and other Federal agencies to ensure public involvement in the TSCA Inventory Update Rule Amendments Project.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/99	64 FR 46771
Notice Comment Extension	10/22/99	64 FR 56998
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3301

**Sectors Affected:** 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing

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**RIN:** 2070-AC61

## 3459. TEST RULE; GENERIC ENTRY FOR ITC RELATED TESTING DECISIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA is requiring testing via rules, or will obtain testing through enforceable consent agreements (ECAs) or publish a notice which provides the reasons for not doing so for chemicals listed herein. These chemicals have been designated for priority testing consideration by the ITC or recommended for testing consideration (for which the 12-month statutory requirement does not apply). The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes.

**Timetable:**

Action	Date	FR Cite
ANPRM Aryl Phosphates (ITC List 2)	12/29/83	48 FR 57452
NPRM Aryl Phosphates (ITC List 2)	01/17/92	57 FR 2138
NPRM Brominated Flame Retardants	06/25/91	56 FR 29140
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 ITC Chemicals (ITC List 28)	06/00/01	
Final Action-ECA Aryl Phosphates (ITC List 2)	06/00/01	

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Action	Date	FR Cite
Final Action-ECA Ethylene Dichloride (EDC)	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460

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**RIN:** 2070-AB94**3460. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)****Priority:** Other Significant**Legal Authority:** 15 USC 2603 TSCA 4; 42 USC 7412 CAA 112; 42 USC 7403 CAA 103; 15 USC 2611 TSCA 12**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right-to-know program given the large release of these chemicals to the atmosphere. In order to implement these and other programs

and requirements under section 112, EPA must identify the health and environment effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required to conduct a research program on the short- and long-term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33178
Supplemental NPRM	12/24/97	62 FR 67466
Supplemental NPRM	04/21/98	63 FR 19694
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3487Supplemental NPRM-  
<http://www.epa.gov/fedrgstr/EPA-TOX/1997/December/Day-24/t33451.htm>Supplemental NPRM-  
<http://www.epa.gov/fedrgstr/EPA-AIR/1998/April/Day-21/a10494.htm>**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Richard Leukroth, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460

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**RIN:** 2070-AC76**3461. 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 action is related to a challenge to industry on the eve of Earth Day, April 21, 1998, to come forward quickly with needed test data on high production volume (HPV) chemicals. This challenge encompasses approximately 2,800 chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis. The data needed on these chemicals are: acute toxicity, repeat dose toxicity, developmental and reproductive toxicity; mutagenicity; ecotoxicity and environmental fate. This rule will require testing and recordkeeping requirements for certain chemicals for which industry does not voluntarily agree to provide testing in a timely manner. The action is part of the Chemical Right-to-Know Initiative, which is described in the Regulatory Plan. Industry has volunteered to conduct needed testing on over 2155 of these HPV chemicals. The first rule proposed testing for 37 unsponsored HPV chemicals with substantial worker exposure. The proposed rule was published in the Federal Register on December, 26, 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81658
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3990

See also the Regulatory Plan entry entitled Chemical Right-to-Know Initiative (RIN 2070-AD25; SAN 4176).

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## EPA—Toxic Substances Control Act (TSCA)

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**RIN:** 2070-AD16

### 3462. TEST RULE; IN VITRO DERMAL ABSORPTION RATE TESTING OF CERTAIN CHEMICALS OF INTEREST TO THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

**CFR Citation:** 40 CFR 700 to 799

**Legal Deadline:** None

**Abstract:** EPA is requiring manufacturers (which is defined by statute to include importers) and processors of 38 chemical substances of interest to the Occupational Safety and Health Administration (OSHA) to conduct testing for in vitro dermal absorption rate testing. These chemicals, and others, were designated for in vitro dermal absorption rate testing in the 31st, 32nd, and 35th Reports of the TSCA section 4(e) Interagency Testing Committee (ITC) to the EPA. Each of the chemical substances included in this proposed rule is produced in an amount equal to or greater than one million pounds per year. In addition, each of the chemicals in this proposed rule was identified in the National Occupational Exposure Survey (NOES) as having a total potential worker exposure of greater than 1,000 workers. OSHA has indicated that it needs quantitative measures of dermal absorption rate in order to evaluate the potential hazard of these chemicals to workers.

#### Timetable:

Action	Date	FR Cite
NPRM OSHA Chemicals Dermal Testing (ITC List 31, 32 & 35)	06/09/99	64 FR 31074
Final Action OSHA Chemical Dermal Testing	05/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal  
**Additional Information:** SAN No. 4425

Please note that this entry was previously identified under RIN 2070-AB07. TSCA requires EPA to publish the NPRM within one year of ITC designation.

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

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**RIN:** 2070-AD42

### 3463. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 TSCA sec 5

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated

individually by notice and comment rulemaking and are listed below.

#### Timetable:

Action	Date	FR Cite
NPRM Alkyl & Sulfonic Acid & Ammonium Salt (84-1056)	06/11/86	51 FR 21199
NPRM 1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)	12/08/87	52 FR 46496
NPRM Aluminum Cross-linked Sodium Carboxymethylcellulose	06/11/93	58 FR 32628
Final Action Alkyl & Sulfonic Acid & Ammonium Salt (84-1056)	06/00/01	
Final Action 1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)	06/00/01	
Final Action Aluminum Cross-linked Sodium Carboxymethylcellulose	06/00/01	

**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

### 3464. SIGNIFICANT NEW USE RULE (SNUR); CHEMICAL-SPECIFIC SNURS TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 TSCA sec 5

**CFR Citation:** 40 CFR 721

**Legal Deadline:** None

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**Abstract:** When the Agency determines that uncontrolled manufacture, import, processing, distribution, use or disposal of a premanufacture notification (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can manufacture, import or process the substance without controls. Therefore, EPA extends the controls to apply to others by designating manufacture, import or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA routinely publishes batch SNURs containing routine section 5(e) and non-5(e) SNURs. However, certain activities, such as modifications, withdrawals, revocations, and SNURs upon which comments are received in the direct final publication process, are subject to notice and comment rulemaking and are listed below.

**Timetable:**

Action	Date	FR Cite
NPRM Batch SNUR: 84-660/-704 & 84-105/-106/-107 & 85-433	05/27/93	58 FR 30744
NPRM Aromatic Amino Ether (P90-1840)	06/06/94	59 FR 29255
NPRM Alkenyl Ether of Alkanetriol Polymer (93-458)	12/19/94	59 FR 65289
NPRM Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297)	06/26/97	62 FR 34421
NPRM Certain Chemical Substances	09/09/98	63 FR 48157
Direct Final Rule Significant New Uses of Certain Chemical Substances, Effective 02/26/2001	12/26/00	65 FR 81386
Delay of Effective Date Significant New Uses of Certain Chemical Substances	02/07/01	66 FR 9211

Action	Date	FR Cite
New Effective Date Significant New Uses of Certain Chemical Substances	04/27/01	66 FR 9211
Final Action Batch SNUR: 84-660/-704 & 84-105/-106/-107 & 85-433	04/00/01	
Final Action Aromatic Amino Ether (P90-1840)	05/00/01	
Final Action Alkenyl Ether of Alkanetriol Polymer (93-458)	05/00/01	
Final Action Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297)	06/00/01	
Final Action Certain Chemical Substances	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**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**3465. SIGNIFICANT NEW USE RULE; CERTAIN PERFLUOROALKYL SULFONYL (PFOS) CONTAINING CHEMICAL SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2604 TSCA 5**CFR Citation:** 40 CFR 704; 40 CFR 721**Legal Deadline:** None**Abstract:** EPA is proposing a significant new use rule (SNUR) under

section 5 of the Toxic Substances Control Act (TSCA) covering certain perfluoroalkyl sulfonyl-containing chemical substances. This SNUR would require companies who wanted to manufacture or import these chemicals for the significant new uses described in the proposed rule to submit a Significant New Use Notice (SNUN) to the Agency at least 90 days prior to beginning those activities.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/00	65 FR 62319
Final Action	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4475**Sectors Affected:** 325 Chemical Manufacturing

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**RIN:** 2070-AD43**3466. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTIONS FROM THE PROHIBITIONS AGAINST MANUFACTURING, PROCESSING, AND DISTRIBUTION IN COMMERCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2605 TSCA sec 6(e)(3)(B)**CFR Citation:** 40 CFR 761**Legal Deadline:** None

**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

## EPA—Toxic Substances Control Act (TSCA)

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1) no unreasonable risk to health or the environment will occur, and 2) good faith efforts have been made by the petitioner to develop a substitute for PCB which does not pose an unreasonable risk of injury to health or the environment. In addition, the Interim Procedural Rules were amended to require certain petitioners to reapply for EPA approval to continue PCB activities previously approved by EPA.

**Timetable:**

Action	Date	FR Cite
NPRM (1) Group I	12/06/94	59 FR 62875
Final Action Group I	02/00/02	
NPRM (2) Group II	09/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal**Additional Information:** SAN No. 2150

**Sectors Affected:** 211 Oil and Gas Extraction; 2211 Electric Power Generation, Transmission and Distribution; 31-33 Manufacturing; 5133 Telecommunications; 6113 Colleges, Universities and Professional Schools; 622 Hospitals; 921 Executive, Legislative, Public Finance and General Government

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**RIN:** 2070-AB20**3467. ACRYLAMIDE; PROHIBITION ON MANUFACTURE, IMPORTATION, DISTRIBUTION AND USE OF ACRYLAMIDE FOR GROUTING****Priority:** Other Significant**Legal Authority:** 15 USC 2605 TSCA sec 6; 15 USC 2607 TSCA sec 8**CFR Citation:** 40 CFR 764**Legal Deadline:** None

**Abstract:** On October 2, 1991, EPA proposed a regulation of acrylamide and NMA grouts based on the unreasonable risk associated with their usage. EPA's rule would prohibit the manufacture, distribution in commerce, and use of acrylamide grout. In February 1996, EPA reopened the record for 30 days to take additional comments, specifically to seek data on the relative durability of acrylamide and NMA grouts. The Agency has reviewed the comments and expects to promulgate the final rule in the Fall of 2001.

**Timetable:**

Action	Date	FR Cite
NPRM	10/02/91	56 FR 49863
Notice Reopening Record for Comments on Durability of NMA	02/28/96	61 FR 7454
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 2779

**Sectors Affected:** 22132 Sewage Treatment Facilities; 42269 Other Chemical and Allied Products Wholesalers; 23491 Water, Sewer, and Pipeline Construction; 23491 Water, Sewer, and Pipeline Construction; 32519 Other Basic Organic Chemical Manufacturing; 32519 Other Basic Organic Chemical Manufacturing

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**RIN:** 2070-AC17**3468. SIGNIFICANT NEW USE RULE; REFRACTORY CERAMIC FIBERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2604 TSCA 5; 15 USC 2605 TSCA 6**CFR Citation:** 40 CFR 704; 40 CFR 721**Legal Deadline:** None

**Abstract:** EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 6 to require reporting by the manufacturers, importers and/or processors of these chemicals. Proposed rules may be published on at least the chemicals listed on the timetable below.

**Timetable:**

Action	Date	FR Cite
NPRM Refractory Ceramic Fiber	03/21/94	59 FR 13294
Final Action Refractory Ceramic Fiber	03/00/02	

**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

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

**3469. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(a) TSCA sec 8(a)**CFR Citation:** 40 CFR 712**Legal Deadline:** None

**Abstract:** These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. These data will also support risk assessment and test rule decisions.

**Timetable:**

Action	Date	FR Cite
Final Action 37th ITC List	02/28/96	61 FR 7421
Final Action 38th ITC List	10/29/96	61 FR 55871
Final Action 38th ITC List - Stay	12/11/96	61 FR 65186
Final Action 38th ITC List - Stay/Technical Amendments	01/07/98	63 FR 684
Final Action 38th ITC List - Revocation	01/11/00	65 FR 1548
Final Action 39th ITC List	01/11/00	65 FR 1548
Final Action 41st ITC List	07/05/00	65 FR 41371
Final Action 42nd ITC List	07/24/00	65 FR 45535
Final Action 47th ITC List	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 2178**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Paul Campanella, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460

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**RIN:** 2070-AB08**3470. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(d) TSCA sec 8(d)**CFR Citation:** 40 CFR 716**Legal Deadline:** None

**Abstract:** These rules require manufacturers, importers and processors to submit unpublished health and safety data on chemicals added to the requirements of the Toxic Substances Control Act section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee.

**Timetable:**

Action	Date	FR Cite
Final 38th ITC List	10/29/96	61 FR 55871
Final 38th ITC List - Stay	12/11/96	61 FR 65186
Final 38th ITC List - Stay/Technical Amendment	01/07/98	63 FR 684
Final Action 38th ITC List - Revocation	01/11/00	65 FR 1548
Final Action 39th, 41st and 42nd ITC List	06/00/01	
Final Action 47th ITC List	08/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 1139**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Paul Campanella, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460

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**RIN:** 2070-AB11**3471. NOTICE OF TSCA SECTION 4 REIMBURSEMENT PERIOD AND TSCA SECTION 12(B) EXPORT NOTIFICATION PERIOD SUNSET DATES FOR TSCA SECTION 4 SUBSTANCES****Priority:** Info./Admin./Other**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12**CFR Citation:** 40 CFR 707; 40 CFR 790; 40 CFR 791; 40 CFR 799**Legal Deadline:** None

**Abstract:** EPA is developing a list of substances that are or have been subject to TSCA section 4 testing actions which required testing under rules or Enforceable Consent Orders. EPA will identify sunset, or termination dates that will identify: (1) the end of section 4 reporting requirements (40 CFR 790); (2) the end of the reimbursement period under which persons subject to test rules are subject to an obligation to reimburse test sponsors (40 CFR 791); and (3) the end of the period during which export notification requirements under TSCA section 12(b) are triggered.

**Timetable:**

Action	Date	FR Cite
Final Action	06/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal**Additional Information:** SAN No. 3559**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

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**RIN:** 2070-AC84

### 3472. LEAD; NOTIFICATION REQUIREMENTS FOR LEAD-BASED PAINT ABATEMENT ACTIVITIES AND TRAINING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2682 TSCA  
402; 15 USC 2687 TSCA 407; PL 102-  
550

**CFR Citation:** 40 CFR 745

**Legal Deadline:** None

**Abstract:** EPA is issuing this rule under the authority of Section 407 of the Toxic Substances Control Act (TSCA) to establish notification procedures for lead abatement professionals (certified under 40 CFR 745.226) conducting lead-based paint activities, and training programs (accredited under 40 CFR 225) providing lead-based paint activities courses. Specifically, this rule seeks to establish procedures to notify the Agency prior to commencement of lead-based paint abatement activities as required by 40 CFR 745.227(e)(4). In addition, this rule seeks to establish provisions which would require training programs accredited under 40 CFR 745.225 to notify the Agency under the following conditions: 1) prior to providing lead-based paint activities, training, and 2) following completion of lead-based paint activities courses. These notification requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track

compliance activity and to prioritize inspections. This rule supports 40 CFR part 745, subpart L to ensure that lead abatement professionals who inspect, assess and remove lead-based paint, dust or soil are well qualified, trained, and certified to conduct these activities.

#### Timetable:

Action	Date	FR Cite
NPRM	01/22/01	66 FR 7207
Final Action	08/00/01	

#### Regulatory Flexibility Analysis Required: No

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

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

**Additional Information:** SAN No. 4172

**Sectors Affected:** 611519 Other  
Technical and Trade Schools

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**RIN:** 2070-AD31

### 3473. TSCA SECTION 8(E) POLICY; NOTICE OF CLARIFICATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2607(e) TSCA  
sec 8(e)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The TSCA section 8(e) Notice of Clarification and Solicitation of Public Comment would amend certain aspects of the 1978 TSCA section 8(e) Statement of Interpretation and Enforcement Policy (1978 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 reaffirmed the standards for claims of confidentiality for information contained in a notice of substantial risk under section 8(e).

#### Timetable:

Action	Date	FR Cite
NPRM	07/13/93	58 FR 37735
Final Action	06/00/01	

#### 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

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**RIN:** 2070-AC80

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Toxic Substances Control Act (TSCA)**
**Long-Term Actions**
**3474. PESTICIDES; TOLERANCE PROCESSING FEES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 21 USC 346(a)

**CFR Citation:** 40 CFR 180.33

**Legal Deadline:** None

**Abstract:** In 1996, the Food Quality Protection Act amended the Federal Food, Drug, and Cosmetic Act to require EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying, leaving in effect, or revoking a tolerance or tolerance exemption. Since 1983 (the last time a cost analysis was conducted), factors such as expanded data requirements, changes in risk assessment methods, improvements in data base management and tracking systems, and the increasing complexity of scientific review of petitions have resulted in costs substantially exceeding the fees currently charged. This rule will adjust the fee structure and fee amounts for tolerance actions.

**Timetable:**

Action	Date	FR Cite
NPRM Pesticides-Tolerance Processing Fees	06/09/99	64 FR 31039
Supplemental NPRM Processing Fees for Inert Ingredients	07/24/00	65 FR 45569
Supplemental NPRM Reopening of Comment Period	08/31/00	65 FR 52979
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4027

NPRM-  
<http://www.epa.gov/fedrgstr/EPA-PEST/1999/June/Day-09/p14477.htm>

Supplemental NPRM-  
<http://www.epa.gov/fedrgstr/EPA-PEST/2000/July/Day-24/p18646.htm>

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AD23

**3475. PESTICIDE TOLERANCE REASSESSMENT PROGRAM**

**Priority:** Other Significant

**Legal Authority:** 21 USC 346(a)(q)

**CFR Citation:** 40 CFR 180

**Legal Deadline:** Other, Statutory, August 3, 2002, See additional information.

**Abstract:** EPA will reassess pesticide tolerances and exemptions for raw and processed foods established prior to August 3, 1996, to determine whether they meet the reasonable certainty of no harm standard of the Federal Food, Drug and Cosmetic Act (FFDCA). FFDCA sec. 408(q), as amended by the Food Quality Protection Act (FQPA). FQPA requires that EPA conduct this reassessment on a phased 10-year schedule. Based on its reassessment, EPA will take a series of regulatory actions to modify or revoke tolerances. Since such actions are issued on a chemical-by-chemical basis, this regulatory plan entry does not list the individual actions that are likely to occur under this program. For status information about the individual chemicals, go to <http://www.epa.gov/pesticides>.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4175

LEGAL DEADLINE CONT: EPA is required to complete reassessments on a phased schedule of: 33 percent by August 3; 1999; 66 percent by August 3; 2002; and 100 percent by August 3; 2006. The Agency will continue to

access pesticide tolerances throughout year.

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AD24

**3476. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12; 15 USC 2625 TSCA 26

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA has held public meetings to involve stakeholders in the design and development of a voluntary program to evaluate commercial chemicals to which children may have a high likelihood of exposure. The purpose of the 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 23 chemicals have been asked to voluntarily sponsor their chemicals in the pilot. If an adequate voluntary children's chemical evaluation program fails to emerge from the stakeholder involvement process, EPA may proceed with development of a test rule under section 4 of the Toxic Substances Control Act (TSCA).

**Timetable:**

Action	Date	FR Cite
Notice Initiation of Stakeholder Process- Notice of Public Meetings	08/26/99	64 FR 46673
Notice Cancellation of Public Meeting	01/13/00	65 FR 2163

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

Action	Date	FR Cite
Notice Stakeholder Involvement Process - Notice of Public Meeting	03/29/00	65 FR 16590
Notice Voluntary Children's Chemical Evaluation Program - Pilot	12/26/00	65 FR 81700
Notice	08/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 2865**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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**RIN:** 2070-AC27**3477. 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 to end**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of certain metals to fill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP), and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(I). Under CERCLA, ATSDR is to establish a list

of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. The metals are also hazardous air pollutants (HAPs) under the Clean Air Act (CAA) section 112. Data from this action would also be used to implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section (b)(1) list of HAPs (delisting).

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3882**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

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**RIN:** 2070-AD10**3478. LEAD; REGULATORY INVESTIGATION UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA) TO REDUCE LEAD (PB) CONSUMPTION AND USE****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 15 USC 2605 TSCA 6**CFR Citation:** 40 CFR 745**Legal Deadline:** None

**Abstract:** This action initiates a regulatory investigation under the Toxic Substances Control Act (TSCA) section 6 to determine if uses of lead (Pb) present an unreasonable risk to human health and the environment. The investigation will involve examination of the potential sources of human or other exposure to lead throughout the life cycle. Based on information gathered EPA may propose TSCA section 6(a) rules to control existing or new uses of Pb which pose an unreasonable risk to human health or the environment, and to explore the desirability and feasibility of discouraging overall consumption of Pb in general.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM Proposed Ban of Fishing Sinkers	03/09/94	59 FR 11122
Final Action - Fishing Sinkers	12/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3252

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**RIN:** 2070-AC21**3479. ASBESTOS MODEL ACCREDITATION PLAN REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2646 TSCA sec 206

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**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. The upcoming notice of proposed rulemaking (NPRM) will improve harmony of the existing interim final MAP with the Occupational Safety and Health Administration's regulations to the extent consistent with applicable EPA statutes, and provide clarifications.

**Timetable:**

Action	Date	FR Cite
Model Plan	05/13/92	57 FR 20438
Interim Final	02/03/94	59 FR 5236
Final Action	05/00/03	

**Regulatory Flexibility Analysis Required:** No

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3148

**Sectors Affected:** 611519 Other Technical and Trade Schools

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**RIN:** 2070-AC51

**3480. POLYCHLORINATED BIPHENYLS (PCBS); USE AUTHORIZATIONS**

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

**Legal Authority:** 15 USC 2605(e) TSCA sec 6(e)

**CFR Citation:** 40 CFR 761

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking that was published on December 6, 1994, covered the manufacture (including import), processing, distribution in commerce, export use, disposal, and marking of PCBs. On June 29, 1998, EPA issued a final rule involving the disposal related provisions. Other provisions, e.g., certain use authorizations and import provisions, were to be addressed in separate actions. This rulemaking addresses a use authorization for certain non-liquid PCB applications, which although currently in use have never been authorized under the PCB regulations at 40 CFR part 761.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/10/91	56 FR 26738
NPRM	12/06/94	59 FR 62788
Final Action 1 PCB Disposal Provisions	06/29/98	63 FR 35384
NPRM Notice of Data Availability, Reopening of Comment Period	12/10/99	64 FR 69358
NPRM Extension of Comment Period	04/06/00	65 FR 18018
Final Action 2 Use Authorizations	01/00/03	

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 4179

**Sectors Affected:** 2211 Electric Power Generation, Transmission and Distribution; 211 Oil and Gas Extraction; 31-33 Manufacturing; 5133 Telecommunications; 622 Hospitals; 6113 Colleges, Universities and Professional Schools; 921 Executive, Legislative, Public Finance and General Government

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**RIN:** 2070-AD27

**3481. LEAD-BASED PAINT ACTIVITIES; TRAINING, ACCREDITATION, AND CERTIFICATION RULE AND MODEL STATE PLAN RULE - BUILDING AND STRUCTURES**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 15 USC 2603 TSCA Title IV; PL 102-550 sec 402; PL 102-550 sec 404

**CFR Citation:** 40 CFR 745

**Legal Deadline:** Final, Statutory, April 28, 1994.

**Abstract:** The Residential Lead-Based Paint Hazard Reduction Act of 1992 mandates EPA promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program which may be adopted by any State which seeks to administer and enforce a State Program. EPA promulgated regulations for training and certification of training programs for LBP activities and child occupied facilities in 1996 (see 40 CFR 745). Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

**Timetable:**

Action	Date	FR Cite
NPRM (Buildings & Structures)	06/00/02	
Final Action (Buildings & Structures)	12/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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

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

**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

### 3482. 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	FR Cite
NPRM TSCA Proposal	12/18/98	63 FR 70189
Comment Extension Extension of Comment Period	02/12/99	64 FR 7158
Comment Extension Extension of Comment Period	02/12/99	64 FR 7159
Final Action	08/00/02	

#### Regulatory Flexibility Analysis

**Required:** No

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

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

**Additional Information:** SAN No. 3508

See also RCRA companion rule: Temporary Suspension of Toxicity Characteristic Rule for Specified Lead-Based Paint Debris (SAN 14263; RIN 2050-AE68),.

NPRM-

<http://www.epa.gov/fedrgstr/EPA-TRI/1998/December/Day-18/tri33326.htm>

**Sectors Affected:** 233 Building, Developing and General Contracting; 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

### 3483. 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 testing for chemicals to which children are substantially exposed; and the listing and lowering of thresholds for persistent, bioaccumulative, toxic chemicals reported to the Toxic Release Inventory (TRI). This Initiative will involve several separate activities, with any regulatory related actions included as separate entries in the Regulatory Agenda.

#### Timetable:

Action	Date	FR Cite
Notice Data Collection and Development on HPV Chemicals	12/26/00	65 FR 81686
Initiative Completed HPV Data to be received by 06/2005.	06/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4176

See also items identified under the following RINs 2070-AD09; 2070-AD38; RIN 2070-AD16; RIN 2070-AC27.

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing

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## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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RIN: 2070-AD25

ENVIRONMENTAL PROTECTION AGENCY (EPA)  
Toxic Substances Control Act (TSCA)

## Completed Actions

**3484. POLYCHLORINATED  
BIPHENYLS (PCBS);  
RECLASSIFICATION OF PCB AND  
PCB CONTAMINATED ELECTRICAL  
EQUIPMENT FINAL RULE**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 761

Completed:

Reason	Date	FR Cite
Final Action	04/02/01	66 FR 17601

Regulatory Flexibility Analysis  
Required: NoGovernment Levels Affected: State,  
FederalSectors Affected: 211 Oil and Gas  
Extraction; 2211 Electric Power  
Generation, Transmission and  
Distribution; 31-33 Manufacturing; 5133  
Telecommunications; 6113 Colleges,  
Universities and Professional Schools;  
622 Hospitals; 921 Executive,  
Legislative, Public Finance and General  
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RIN: 2070-AC39

**3485. ASBESTOS WORKER  
PROTECTION RULE AMENDMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 763

Completed:

Reason	Date	FR Cite
Final Action	11/15/00	65 FR 69210

Regulatory Flexibility Analysis  
Required: NoGovernment Levels Affected: State,  
Local, FederalSectors Affected: 92111 Executive  
Offices; 92311 Administration ofEducation Programs; 92312  
Administration of Public Health  
Programs; 92411 Air and Water  
Resource and Solid Waste ManagementAgency Contact: Cindy Fraleigh  
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RIN: 2070-AC66

**3486. LEAD; IDENTIFICATION OF  
DANGEROUS LEVELS OF LEAD  
PURSUANT TO TSCA SECTION 403**Priority: Economically Significant,  
Major under 5 USC 801.

CFR Citation: 40 CFR 745

Completed:

Reason	Date	FR Cite
Final Action	01/05/01	66 FR 1205

Identification of  
Dangerous Levels  
of LeadRegulatory Flexibility Analysis  
Required: NoGovernment Levels Affected: State,  
Local, Tribal, FederalSectors Affected: 2332 Residential  
Building Construction; 235 Special  
Trade Contractors; 2352 Painting and  
Wall Covering Contractors; 23551  
Carpentry Contractors; 23599 All Other  
Special Trade Contractors; 53111  
Lessors of Residential Buildings and  
Dwellings; 531311 Residential Property  
Managers; 54135 Building Inspection  
Services; 61171 Educational Support  
Services; 54138 Testing Laboratories;  
54161 Management Consulting  
Services; 61151 Technical and Trade  
Schools; 92511 Administration of  
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RIN: 2070-AC63

**3487. • POLYCHLORINATED  
BIPHENYLS (PCBS); RETURN OF PCB  
WASTE FROM U.S. TERRITORIES  
OUTSIDE THE CUSTOMS TERRITORY  
OF THE UNITED STATES**

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2605 et seq

CFR Citation: 40 CFR sec 761.99(c)

Legal Deadline: None

Abstract: This proposed interpretive  
rule would allow the movement of PCB  
waste for disposal among any States of  
the United States, as defined in TSCA  
sections 3(13) and 3(14), regardless of  
whether the waste enters or leaves the  
customs territory of the United States,  
provided that the PCBs in the waste  
were present in the United States on  
January 1, 1979, when the ban on  
manufacturing took effect, and has  
remained within the United States  
since that date. This would allow PCB  
waste that was present in the territories  
and possessions at the time TSCA's ban  
on manufacturing took effect, and that  
remained within the territories and  
possessions since that date, to be stored  
and disposed of in any facility in the  
United States that meets the  
requirements of 40 CFR part 761,  
subpart D. It would also allow PCBs  
that were present in the territories and  
possessions at the time TSCA's bans  
took effect, but were not designated as  
waste until after that date, to be stored  
and disposed of in any subpart D  
facility in the United States, as long  
as the PCBs and PCB waste had  
remained in the United States. Finally,  
it would allow PCBs or PCB wastes that  
were transferred from an area in the  
United States that is outside the  
territories and possessions, but that was  
moved to a territory or possession after  
January 1, 1979, and that has never left  
the United States, to be stored and

## EPA—Toxic Substances Control Act (TSCA)

## Completed Actions

disposed of in any subpart D facility in the United States. EPA would not consider movement of any of these wastes to the customs territory of the United States to be an import subject to the ban on manufacturing under TSCA section 6(e).

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/00	65 FR 65654
Final Action	03/30/01	66 FR 17467

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4488

**Sectors Affected:** 211111 Crude Petroleum and Natural Gas Extraction; 311 Food Manufacturing; 324 Petroleum and Coal Products Manufacturing; 324 Petroleum and Coal Products Manufacturing; 331 Primary Metal Manufacturing; 5622 Waste Treatment and Disposal; 56292 Materials Recovery Facilities; 92 Public Administration

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**RIN:** 2070-AD46

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Proposed Rule Stage

## Emergency Planning and Community Right-to-Know Act (EPCRA)

### 3488. 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 which manufacture or process at least 25,000 pounds of a listed chemical, or otherwise use 10,000 pounds of a listed chemical. In determining amounts of listed chemicals that are manufactured, processed or otherwise used, facilities may be entitled to 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 structural component exemption, the routine janitorial and facility grounds maintenance exemption, the personal use exemption, and the motor vehicle maintenance exemption. Also known as the otherwise use exemptions because they are limited to otherwise use activities, these exemptions are expressly provided for at 40 CFR 372.38(c). EPA is also considering changes to the coal mining extraction activities exemption provided for at 40 CFR 372.38(g).

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	
Final Action	10/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 4265

Formerly listed as RIN 2070-AD39.

By Statute and Regulation, this rule will affect SIC codes 20-39, 10 (except SIC codes 1011, 1081, 1094), 12 (except SIC code 1241), 4911, 4931, 4939, 4953, 5169, 5171, and 7389.

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**RIN:** 2025-AA06

### 3489. TRI: APA PETITION-EPCRA 313 DEFINITION OF "OVERBURDEN" AS IT RELATES TO THE MINING INDUSTRY.

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11001 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The regulatory definition for EPCRA section 313 defines "overburden" to mean any unconsolidated material that overlies a deposit of useful material or ores. It does not include any portion of ore or waste rock. "Overburden" generally lacks any recoverable materials and contains only trace amounts of EPCRA section 313 chemicals. Under section 313, all activities related to "overburden" are exempt from threshold determinations and release and other waste management calculations because "overburden" contains TRI chemicals in negligible amounts and reporting is unlikely to provide the public with valuable information. On December 22, 1998, the National Mining Association (NMA) petitioned EPA, pursuant to the Administrative Procedures Act (APA) to change the current EPCRA 313 definition of "overburden" to include both consolidated material and unconsolidated material. By making such a change, consolidated material that overlies an ore deposit would be eligible for the "overburden" exemption (i.e., "overburden" generally lacks any recoverable minerals and contains only trace amounts of EPCRA section 313 chemicals). NMA asserts

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Proposed Rule Stage

that EPA's definition of "overburden" is inconsistent with that of industry. NMA considers "overburden" to be all material, both consolidated and unconsolidated, that overlies an ore deposit of useful material and must be removed to allow access to ore deposit.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	
Final Rule	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4392

Formerly listed as RIN 2070-AD41.

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**RIN:** 2025-AA08

### 3490. 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 rule will include: 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.

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/98	63 FR 31268
Supplemental NPRM	08/00/01	
Final Action	08/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3215

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**RIN:** 2050-AE17

### 3491. MODIFICATION OF THRESHOLD PLANNING QUANTITY FOR ISOPHORONE DIISOCYANATE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048

**CFR Citation:** 40 CFR 355

**Legal Deadline:** None

**Abstract:** On October 12, 1994 (59 FR 51816), EPA proposed to modify the listing of several chemicals on the extremely hazardous substances (EHS) list under the Emergency Planning and Community Right-to-Know Act. One petitioner requested the removal of isophorone diisocyanate (IPDI). EPA rejected the petitioner's request. However, in the review of the petition, EPA noticed that there was an error in the setting of the threshold planning quantity (TPQ) for IPDI, and proposed to correct the error in the October 12, 1994 notice of proposed rulemaking. The other modifications to the EHS list were made final on May 7, 1996; however, the TPQ for IPDI was not included in that final rule. This rule will finalize the TPQ for IPDI.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**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

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

## Emergency Planning and Community Right-to-Know Act (EPCRA)

**3492. TRI; RESPONSES TO PETITIONS RECEIVED TO ADD OR DELETE OR MODIFY CHEMICAL LISTINGS ON THE TOXIC RELEASE INVENTORY**

**Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 11013 EPCRA 313

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** These actions grant or deny petitions received to add or delete or modify chemicals on the list of toxic chemicals under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA) that are subject to reporting under the Toxic Chemical Release Reporting Rule. The actions cover individual chemicals or groups of chemicals for which petitions have been received.

**Timetable:**

Action	Date	FR Cite
Notice DBNPA (Request to Delete)	10/27/95	60 FR 54949
NPRM Chromite Ore from Transvaal Reg. of S.A.	02/23/99	64 FR 8775

Action	Date	FR Cite
NPRM Diisononyl phthalate (DINP) (Request to Add)	09/05/00	65 FR 53681
Response Alloys-- Chromium & Nickel & Copper Alloys (Req. to Modify)	04/00/01	
Final Action Chromite Ore from Transvaal Reg. of S.A.	04/00/01	
Response Chromium, Antimony, Titanite Petition	06/00/01	
Final Response DBNPA (Request to Delete)	11/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 2425

Formerly listed as RIN 2070-AC00.

Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the

following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

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**RIN:** 2025-AA00

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Long-Term Actions

## Emergency Planning and Community Right-to-Know Act (EPCRA)

**3493. TRI; CHEMICAL EXPANSION; FINALIZATION OF DEFERRED CHEMICALS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11013 EPCRA 313; 42 USC 11023; 42 USC 11048; 42 USC 11076

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** On November 30, 1994, EPA added 286 chemicals and chemical categories to the EPCRA section 313 list, including 39 chemicals as part of two delineated categories. Each chemical and chemical category was found to meet the statutory criteria described in EPCRA section 313(d)(2)(A)-(C). At this time, EPA deferred final action on 40 chemicals and one chemical category until a later date. These were deferred because the comments received on them raised difficult technical or policy issues

which required additional time to address. EPA chose not to delay final action on the 286 chemicals and chemical categories because of the additional time needed to address the issues surrounding the smaller group of 40 chemicals and one chemical category; rather, EPA believed it to be in the spirit of community right-to-know to proceed with the final rulemaking of the additional chemicals and chemical categories.

**Timetable:**

Action	Date	FR Cite
NPRM	01/12/94	59 FR 1788
Supplemental NPRM Deferred Chemicals	12/00/02	
Final Action Deferred Chemicals	12/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 3007

Formerly listed as RIN 2070-AC47.

Includes SIC codes: Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

**Sectors Affected:** 42269 Other Chemical and Allied Products Wholesalers

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## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Long-Term Actions

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**RIN:** 2025-AA01

#### 3494. TRI; REVIEW OF CHEMICALS ON THE ORIGINAL TRI LIST

**Priority:** Other Significant

**Legal Authority:** 42 USC 1101 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** When TRI was established by Congress in 1986, the statutory language placed 309 chemicals and 20 categories of chemicals on the TRI list; that is referred to as the original TRI list. The chemicals on the original list were taken from two existing lists of toxic substances: the Maryland Chemical Inventory Report List of Toxic or Hazardous Substances, and the New Jersey Environmental Hazardous Substances list. This action constitutes the first systematic review of toxicology and environmental data for all the chemicals on the original TRI list to determine whether data for those chemicals conform with the statutory criteria for listing of chemicals on TRI. Chemicals for which data do not meet the statutory criteria will be delisted.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 4015  
Formerly listed as RIN 2070-AD18.

**AFFECTED SECTORS:** Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code

5171); and Solvent Recovery Services (SIC code 7389).

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**RIN:** 2025-AA03

#### 3495. TRI; POLLUTION PREVENTION ACT INFORMATION REQUIREMENTS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11013  
Pollution Prevention Act

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** Section 6607(b) of the Pollution Prevention Act of 1990 (PPA) (Pub. L. 101-508) requires the addition of several data elements to the Toxic Chemical Release Inventory (TRI) reporting requirements as promulgated under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (Pub. L. 99-499). Section 313 of EPCRA requires owners or operators of certain facilities that manufacture, process, or otherwise use listed toxic chemicals to annually report their releases of these chemicals to each environmental medium. The PPA mandates that section 313 covered facilities also report on source reduction and recycling activities relating to the toxic chemicals beginning with the 1991 reporting year. Since 1991 covered facilities have been providing this information to EPA in section 8, Source Reduction and Recycling Activities, of EPA Form R. On September 25, 1991 (56 FR 48475), EPA proposed regulations which would provide definitions and instructions for reporting the PPA data elements on the EPA Form R. In this action, EPA will amend certain aspects of the September 25, 1991, proposed rule.

#### Timetable:

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48475
Supplemental NPRM Response	To Be Determined	Determined
Combustion for Energy Recovery (Request to Modify)	To Be Determined	Determined
Final Action	To Be Determined	Determined

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 2847  
Formerly listed as RIN 2070-AC24.

**Affected Sectors Include:**

Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

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**RIN:** 2025-AA09

#### 3496. RESPONSE TO A PETITION REQUESTING DELETION OF PHOSMET FROM THE EXTREMELY HAZARDOUS SUBSTANCES (EHSS) LIST

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048

**CFR Citation:** 40 CFR 355

**Legal Deadline:** None

**Abstract:** EPA has received a petition to remove Phosmet from the extremely

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Long-Term Actions

hazardous substance (EHS) list under the Emergency Planning and Community Right-to-Know Act (EPCRA). This rulemaking will address the petitioner's claims.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3994

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**RIN:** 2050-AE42

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Completed Actions

## Emergency Planning and Community Right-to-Know Act (EPCRA)

**3497. TRI; LOWERING OF EPCRA SECTION 313 REPORTING THRESHOLDS FOR LEAD AND LEAD COMPOUNDS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 372

**Completed:**

Reason	Date	FR Cite
Final Action	01/17/01	66 FR 4500

Reason	Date	FR Cite
Final Action Effective	02/16/01	66 FR 10585
Date Delayed		
Final Action Effective	04/17/01	

Final Action Effective 02/16/01 66 FR 10585  
Date Delayed

Final Action Effective 04/17/01

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Federal

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**RIN:** 2025-AA05

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

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## Resource Conservation and Recovery Act (RCRA)

**3498. REMOVAL OF REQUIREMENT TO USE SW-846 METHODS (TEST METHODS FOR EVALUATING SOLID WASTE: PHYSICAL/CHEMICAL METHODS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921-6927; 42 USC 6930; 42 USC 6934-6939; 42 USC 6974; 42 USC 9601; 42 USC 9614(c)

**CFR Citation:** 40 CFR 258; 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270; 40 CFR 279

**Legal Deadline:** None

**Abstract:** EPA has been actively working to break down the barriers that the environmental monitoring community faces when trying to use new monitoring techniques. As a first step, EPA has accelerated its review process for new methods by eliminating several unnecessary internal review steps, and by streamlining the internal approval process for each new method. However, there are currently 32 citations in title 40 of the Code of Federal Regulations (CFR) where the use of SW-846 methods is required. As a second step for speeding up the

approval process, EPA plans to remove the requirements to use SW-846 methods for other than method defined parameters (i.e., where the method defines the regulations, such as the Toxicity Characteristic Leaching Procedure) from 40 CFR. This will likely lead to an even more streamlined approval process since SW-846 will then be able to be handled strictly as guidance and not need the regulatory process for approval. This additional streamlining will permit new, more cost-effective methods to attain public and regulatory authority acceptance in much less time, allowing required monitoring to be done more cheaply, faster and, in some cases, more accurately.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3989

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**RIN:** 2050-AE41

**3499. 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 6939; 42 USC 6974

**CFR Citation:** 40 CFR 124; 40 CFR 267; 40 CFR 270

**Legal Deadline:** None

**Abstract:** EPA is considering 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

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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. This proposal also raises 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.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 4028**Sectors Affected:** 332813

Electroplating, Plating, Polishing, Anodizing and Coloring; 32411 Petroleum Refineries; 3251 Basic Chemical Manufacturing; 3252 Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing; 325211 Plastics Material and Resin Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing

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**RIN:** 2050-AE44**3500. LISTING DETERMINATION OF WASTES GENERATED DURING THE MANUFACTURE OF AZO, ANTHRAQUINONE, AND TRIARYLMETHANE DYES AND PIGMENTS****Priority:** Other Significant**Legal Authority:** 42 USC 6921 RCRA sec 3001; 42 USC 9602 Superfund (CERCLA) sec 102**CFR Citation:** 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302**Legal Deadline:** None

**Abstract:** This action addresses the potential human health and environmental risks posed by wastes from the manufacture of dyes and pigments, and determines whether these wastes should be listed as hazardous wastes under RCRA to control any potentially unacceptable risks. If listed under RCRA, these wastes would also be added to the CERCLA list of hazardous substances. This action will be implemented by EPA and States authorized under RCRA. Impacts on local governments are not expected, and there may be some small business impacts. EPA proposed listing decisions for most wastes in 1994 (Dyes-I), and deferred decisions on several others. Two deferred waste streams (filter aids and triarylmethane sludges) are subject to separate deadlines for proposed and final action (Dyes II rulemaking). The Dyes II NPRM was published on July 23, 1999. The rules proposed in 1994 and 1999 were incomplete because they did not contain information claimed to be confidential by industry. Therefore, a NODA for each proposal will be necessary, when EPA is able to release an adequate record. The deadlines are based on recent settlement discussions with plaintiffs in EDF v. Browner, Civil Action No. 89-0598 D.D.C.

As part of the listing of dyes and pigments effort, EPA will also develop land disposal restrictions for these dyes and pigments.

**Timetable:**

Action	Date	FR Cite
NPRM Dyes I	12/22/94	59 FR 66072
NPRM Dyes II (deferred wastes)	07/23/99	64 FR 40192
NPRM Dyes I Land Disposal Restrictions	10/00/01	

Action	Date	FR Cite
NoDA Dyes I Notice of Data Availability. See judicial deadlines.	To Be	Determined
NoDA Dyes II Notice of Data Availability. See judicial deadlines.	To Be	Determined
Final Action Dyes I. See judicial deadline.	To Be	Determined
Final Action Dyes II (deferred wastes). See judicial deadline.	To Be	Determined

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** State, Tribal, Federal**Additional Information:** SAN No. 3066

Judicial deadlines: Dyes II (deferred wastes) NPRM: met deadline of 6/30/1999. Dyes I & II NODAs due by 67 days after the injunction is lifted from Magruder case. NPRM for LDRs due 3 months after NODAs are signed. Dyes I and II final rules due 13 months after NODAs are signed.

**Sectors Affected:** 325132 Organic Dye and Pigment Manufacturing

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**RIN:** 2050-AD80**3501. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6912(a) RCRA sec 6002(e)**CFR Citation:** 40 CFR 247**Legal Deadline:** None

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**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 new actions would (1) propose to designate new items in CPG4 and (2) issue final item designations in CPG4.

**Timetable:**

Action	Date	FR Cite
Notice -- Paper Products Recovered Materials Advisory Notice	06/08/98	63 FR 31214
Notice -- Recovered Materials Advisory Notice I Update	06/08/98	63 FR 31217
NPRM (CPG3 and RMAN 3)	08/26/98	63 FR 45558
Notice Notice of Availability of Final Document	01/19/00	65 FR 3082
Final Action (CPG3 and RMAN 3)	01/19/00	65 FR 3069
NPRM (CPG4 and RMAN 4)	05/00/01	
Final Action (CPG4 and RMAN 4)	12/00/01	

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 3545

NPRM-  
<http://www.epa.gov/fedrgstr/EPA-WASTE/1998/August/Day-26/f22793.htm>

**Sectors Affected:** 92111 Executive Offices; 92119 All Other General Government

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**RIN:** 2050-AE23

**3502. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS-PHASE II COVERING BOILERS AND CERTAIN INDUSTRIAL FURNACES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6924 RCRA sec 3004; 42 USC 6925 RCRA sec 3005; 42 USC 7412 CAA sec 112; 42 USC 7414 CAA sec 114

**CFR Citation:** 40 CFR 60; 40 CFR 63; 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270

**Legal Deadline:** NPRM, Judicial, January 31, 2002, Settlement agreement for boilers and other industrial furnaces.

**Abstract:** Under the Clean Air Act (CAA), EPA is required to establish National Emission Standards for Hazardous Air Pollutants (NESHAPs) for most hazardous waste combustors (HWCs) (i.e., incinerators, cement kilns, boilers, and some types of smelting furnaces). In addition, under the Resource Conservation and Recovery Act (RCRA), EPA is required to establish standards for all HWCs as necessary to ensure protection of human health and the environment. EPA is concerned that its current RCRA standards for HWCs may not be adequately protective given that the standards do not take into account indirect pathways of exposure and that there have been advances both in risk assessment and control technologies since promulgation of the current standards. The Agency is in the process of developing a proposal to address boilers and possibly other industrial furnaces, which combust hazardous wastes.

**Timetable:**

Action	Date	FR Cite
NPRM Cement Kilns & Lightweight Aggregate Kilns & Incinerators	04/19/96	61 FR 17358

Action	Date	FR Cite
Final Action MACT Fasttrack	06/19/98	63 FR 33782
Final Action Cement Kilns & LWAKs & Incinerators (Final-Phase I)	09/30/99	64 FR 52828
NPRM Boilers & Other Industrial Furnaces (Phase II)	01/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 3333

For information on the Phase I portion of this effort, see SAN 4418, RIN 2050-AE79.

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**RIN:** 2050-AE01

**3503. HAZARDOUS WASTE MANIFEST REGULATION**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6922 RCRA sec 3002; 42 USC 6923 RCRA sec 3003; 42 USC 6924 RCRA sec 3004; 42 USC 6926 RCRA sec 3006; PL 105-277, Title 17 Government Paper Elimination Act

**CFR Citation:** 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271

**Legal Deadline:** None

**Abstract:** The Uniform Hazardous Waste Manifest (Form 8700-22) is a multi-copy form used to identify the quantity, composition, origin, routing, and destination of hazardous waste during its transportation. The manifest system's reliance on paper results in significant paperwork and cost burden to waste handlers and States who choose to collect manifest information. The Agency intends to pursue an optional approach to redesign the manifest system so that it utilizes automated technologies to increase access to manifest related information, and to facilitate the manifest process, including the form's preparation, transmission, and recordkeeping, thereby lessening the total burden on waste handlers and States that choose to collect manifests. In addition, the

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Agency intends to standardize further the manifest form itself, by eliminating several optional data fields.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	07/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**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

**3504. OFFICE OF SOLID WASTE BURDEN REDUCTION PROJECT**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6907; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937 to 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104-13

**CFR Citation:** 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 268; 40 CFR 270

**Legal Deadline:** None

**Abstract:** EPA plans to reduce the burden imposed by the RCRA reporting and recordkeeping requirements to help meet the Federal government-wide goal established by the Paperwork Reduction Act (PRA). The information collection burden for the regulations EPA implements under RCRA in 1995 (the PRA baseline) was 12,600,000

hours. To meet EPA's PRA 2001 goal (a 40% reduction), EPA needs to eliminate five million hours to reach a figure of 7.5 million hours.

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 is drafting a proposed rulemaking to implement many of these ideas. The proposals are designed to eliminate duplicative and non-essential paperwork.

The main ideas being considered for the proposed 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.

**Timetable:**

Action	Date	FR Cite
Notice of Data Availability	06/18/99	64 FR 32859
NPRM	07/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4084

Applicable SIC codes: Chemicals and Allied Products (28), Primary Metal Industries (33), Fabricated Metals (34), Industrial Machinery and Equipment (35), Electrical Equipment (36),

Transportation Equipment (37), Other Manufacturing, Transportation and Utilities (40-49), Wholesale Trade (50-51), Services (70-89) and Other SIC Groups

**Sectors Affected:** 323 Printing and Related Support Activities; 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; 324 Petroleum and Coal Products Manufacturing

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**RIN:** 2050-AE50

**3505. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT-CONTAMINATED SHOP TOWELS AND WIPES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6921

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** This action would modify RCRA rules that impact the management of solvent-contaminated shop towels and wipes. Solvent-contaminated shop towels and wipes are used throughout industry for equipment cleaning and other related facility operations. The spent shop towels and wipes can be hazardous wastes when the solvent used is either a characteristic or listed solvent. An examination of industry use and management practices reveals that many facilities may use only small amounts of solvent on their disposable wipes, and use small numbers of wipes daily — suggesting that these materials may sometimes pose little or no risk to human health and the environment if disposed in municipal landfills. Similarly, situations exist where both disposable wipes and reusable shop towels are not being managed according to prescribed Federal and States' rules and policies. Problems with this issue have persisted since the late 1980s.

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**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 4091

**Sectors Affected:** 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; 812 Personal and Laundry Services

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RIN: 2050-AE51

### 3506. GLASS-TO-GLASS RECYCLING OF CATHODE RAY TUBES (CRTS): 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:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This action will ultimately revise the existing Federal hazardous waste regulations to remove unnecessary regulatory barriers to glass-to-glass recycling of Cathode Ray Tubes (CRTs). A CRT is the main 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. Glass-to-glass recycling involves the return of used CRT glass to manufacturing of new

CRTs. This action 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). CSI is a consensus-based process for developing cleaner, cheaper, smarter environmental improvements that includes representatives of: industry; environmental groups; community groups; environmental justice groups; labor; and, Federal, State, local, and tribal governments. The recommendation involves minimizing RCRA requirements for glass-to-glass recycling while retaining appropriate controls to ensure protection of human health and the environment. The goal of the recommendation is to facilitate an increase in glass-to-glass recycling, thereby minimizing disposal of lead, increasing resource recovery, and enhancing protection of human health and the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 4092

**Sectors Affected:** 334411 Electron Tube Manufacturing

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RIN: 2050-AE52

### 3507. REINVENTING THE LAND DISPOSAL RESTRICTIONS PROGRAM

**Priority:** Other Significant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924

**CFR Citation:** 40 CFR 268**Legal Deadline:** None

**Abstract:** The Land Disposal Restrictions (LDR) program was established to minimize threats posed by the land disposal of untreated hazardous wastes. The program has been in place for a number of years

and now regulates all but the most recently listed hazardous wastes. The Agency is now examining the LDR program to ensure the program is cost-effective and flexible while also protecting human health and the environment. In an Advance Notice of Proposed Rulemaking (ANPRM), we described our initial thinking on potential changes to the LDR program and asked for public comments and data. We intend to publish a proposed rule based on the comments we received in response to the ANPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/19/00	65 FR 37932
NPRM	03/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 4093

**Sectors Affected:** 2122 Metal Ore Mining; 32411 Petroleum Refineries; 325 Chemical Manufacturing; 331 Primary Metal Manufacturing

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RIN: 2050-AE53

### 3508. 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:** On April 6, 2000, EPA requested comment and information on two issues related to the Criteria for Municipal Solid Waste Landfills (65 FR 18014). First, we requested data and information on the performance of alternative liner designs compared to the performance of composite liners when leachate is recirculated. Second, we requested data and information on

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the design and performance of bioreactor landfills.

EPA is reviewing all responses to this request for information, as well as additional information in our own data base, and is considering issuing a Notice of Proposed Rulemaking revising the Criteria for Municipal Solid Waste Landfills (40 CFR Part 258) to allow alternative liner designs for leachate recirculation and encourage bioreactor landfills.

**Timetable:**

Action	Date	FR Cite
Notice	04/06/00	65 FR 18014
NPRM	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** State

**Federalism:** Undetermined

**Additional Information:** SAN No. 4230

**Sectors Affected:** 562 Waste Management and Remediation Services

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**RIN:** 2050-AE67

**3509. PROPOSED RULE:  
REGULATION OF OIL BEARING  
WASTES FROM PETROLEUM  
REFINERIES GASIFIED TO PRODUCE  
SYNTHESIS GAS**

**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 6937; 42 USC 6938; 42 USC 6939; ...

**CFR Citation:** 40 CFR 260; 40 CFR 261

**Legal Deadline:** None

**Abstract:** We are proposing to broaden existing RCRA exclusions from the definition of solid waste for oil bearing

residuals from petroleum refineries recycled in gasification devices to produce synthesis gas.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/95	60 FR 57747
Interim Notice of Data Availability	04/08/97	62 FR 16747
Notice of Data Availability and Request for Comment	07/15/98	63 FR 38139
Final Action	08/06/98	63 FR 42110
Final Action Technical Amendments	10/09/98	63 FR 54356
NPRM	11/00/01	
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 4411

This is an extension of a previous notice that contained RIN 2050-AD88.

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**RIN:** 2050-AE78

**3510. NESHAPS: STANDARDS FOR  
HAZARDOUS AIR POLLUTANTS FOR  
HAZARDOUS WASTE COMBUSTORS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6924 RCRA sec 3004; 42 USC 6925 RCRA sec 3005; 42 USC 7412 CAA sec 112; 42 USC 7414 CAA sec 114

**CFR Citation:** 40 CFR 60; 40 CFR 63; 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270

**Legal Deadline:** None

**Abstract:** Under the Clean Air Act (CAA), EPA is required to establish National Emission Standards for Hazardous Air Pollutants (NESHAPs) for most hazardous waste combustors

(HWCs) (i.e., incinerators, cement kilns, boilers, and some types of recovery furnaces). In addition, under the Resource Conservation and Recovery Act (RCRA), EPA is required to establish standards for all HWCs as necessary to ensure protection of human health and the environment. Consequently, the Agency established in the HWC Maximum Achievable Control Technology (MACT) rule new emissions standards for cement kilns, lightweight aggregate kilns, and incinerators under CAA authority on September 30, 1999 (64 FR 52828). Following promulgation, issues were raised by the regulated community through informal comments and through litigation. In response, this proposed rule will propose changes to and clarify certain provisions of the final Phase I rule.

**Timetable:**

Action	Date	FR Cite
NPRM Cement Kilns & Lightweight Aggregate Kilns & Incinerators	04/19/96	61 FR 17358
Final Action MACT Fastrack	06/19/98	63 FR 33782
Final Action Cement Kilns & LWAKs & Incinerators (Final-Phase I)	09/30/99	64 FR 52828
NPRM Phase I Clarifications and Proposed Changes	05/00/01	
Final Action Phase 1 Clarifications and Changes Final Rule	10/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 4418

Split from RIN 2050-AE01. The Agency will develop a Technical Implementation Guidance on Phase I.

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**RIN:** 2050-AE79

## EPA—Resource Conservation and Recovery Act (RCRA)

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**3511. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS**

**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 6907(a)(3); 42 USC 6944(a)

**CFR Citation:** 40 CFR 257

**Legal Deadline:** None

**Abstract:** This action is for the development of proposed RCRA subtitle D regulations for the management of coal combustion wastes in landfills and surface impoundments that are generated by producers of electric power, including electric utilities and independent power producers.

On April 25, 2000 EPA issued a regulatory determination for fossil fuel combustion wastes (65 FR 32214, May 22, 2000). The purpose of the determination was to decide whether certain wastes from the combustion of fossil fuels (including coal, oil and natural gas) should remain exempt from subtitle C (management as hazardous waste) of the Resource Conservation and Recovery Act (RCRA) for the coal, oil and natural gas combustion wastes that were addressed. The Agency's decision was to retain the exemption from hazardous waste management for all of the fossil fuel combustion wastes. However, the Agency also determined and announced that waste management regulations under RCRA subtitle D (management as non-hazardous wastes) are appropriate for certain coal combustion wastes that are disposed in landfills and surface impoundments. We also announced that we would consult with the Department of the Interior on appropriate measures under the Surface Mining Control and Reclamation Act (SMCRA) or RCRA or some combination of both to address the disposal of coal combustion wastes when used for minefill in surface and underground mines.

The utility industry has made significant improvements in its waste management practices over recent years, and most state regulatory programs are similarly improving. Nevertheless, public comments and

other analyses have convinced the Agency that coal combustion wastes could pose risks to human health and the environment if they are not properly managed. There is sufficient evidence that adequate controls may not be in place. For example, while most states can now require newer waste management units to include liners and groundwater monitoring, 62 percent of existing utility surface impoundments do not have groundwater monitoring. In the Agency's view, this justifies the development of national regulations. We note, however, that some waste management units may not warrant liners and/or groundwater monitoring, depending on site-specific characteristics. The Agency is initiating this action to develop and issue appropriate waste management regulations under Subtitle D of RCRA.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4470

Any Federal, State, local or tribal governments that own coal-burning commercial electric power generating facilities will be subject to this rule.

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

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**RIN:** 2050-AE81

**3512. • REVISION OF WASTEWATER TREATMENT EXEMPTIONS FOR HAZARDOUS WASTE MIXTURES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a); 6921; 6922; 6924; 6926

**CFR Citation:** 40 CFR 261.3(a)(2)(iv)(A)-(E)(Revision)

**Legal Deadline:** None

**Abstract:** EPA is looking into proposing to add up to four solvents (benzene, 2-ethoxyethanol, 1,1,2-trichloroethane, and 2-nitropropane) to the hazardous waste exemptions for mixtures of spent solvents in wastewater treatment plants ("headworks rule") at 40 CFR 261.3(a)(2)(iv)(A)-(B). Spent solvents are solvents that have been used and are no longer fit for use without being regenerated, reclaimed, or otherwise processed. In addition, EPA is considering proposing: (1) changes to implementation of rule from using mass balance only, to choice of using direct monitoring; (2) adding certain leachates to allowed categories of wastestreams; and (3) revising other provisions of rule, such as de minimis quantities and the definition of point of application of exemption.

**Timetable:**

Action	Date	FR Cite
NPRM - Revisions for Wastewater Treatment Exemptions	12/00/01	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4501

**Sectors Affected:** 31-33 Manufacturing; 562 Waste Management and Remediation Services

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**RIN:** 2050-AE84

**3513. • AMENDMENT TO THE DEFINITION OF MUNICIPAL SOLID WASTE LANDFILL UNIT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6912(a); 42 USC 6944; 42 USC 6949a

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**CFR Citation:** 40 CFR 257; 40 CFR 258**Legal Deadline:** None

**Abstract:** EPA is revising the definition of municipal solid waste landfill (MSWLF) unit and adding the definition of residential lead-based paint waste, both in 40 CFR part 257 and within the Municipal Solid Waste Landfill Criteria in 40 CFR part 258. We are making these changes in order to allow construction and demolition (C&D) landfills and other nonmunicipal nonhazardous waste disposal units to receive residential lead-based paint (LBP) waste without having to comply with the Municipal Solid Waste Landfill Criteria in 40 CFR Part 258. EPA believes that disposal of residential LBP waste in C&D landfills and other nonhazardous nonmunicipal waste disposal units is protective of public health and the environment while being less costly than disposal in MSWLFs.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	
Direct Final Rule	09/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Federalism:** Undetermined**Additional Information:** SAN No. 4525**Sectors Affected:** 235 Special Trade Contractors; 23599 All Other Special Trade Contractors; 562212 Solid Waste Landfill

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**RIN:** 2050-AE86**3514. PROJECT XL — ORTHO-MCNEIL PILOT PROJECT ALLOWING ON-SITE TREATMENT OF LOW-LEVEL MIXED WASTES WITHOUT RCRA PERMIT****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938**CFR Citation:** 40 CFR 261**Legal Deadline:** None

**Abstract:** This site-specific rulemaking would allow Ortho-McNeil Pharmaceutical to treat small volumes of low-level mixed wastes on-site using a bench-scale catalytic oxidizing treatment unit. This treatment effectively destroys the organic component of the wastestream, yielding a residual that is only a low-level radioactive waste.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4439

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**RIN:** 2090-AA14

**3515. ● PROJECT XL SITE-SPECIFIC RULEMAKING FOR ANNE ARUNDEL COUNTY MILLERSVILLE LANDFILL, SEVERN, MARYLAND****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6945; 42 USC 6949**CFR Citation:** 40 CFR 258**Legal Deadline:** None

**Abstract:** Anne Arundel County proposes to demonstrate that a bioreactor with an alternative liner system is as effective, or superior to a bioreactor with the standard composite liner currently allowed by regulations. The main goal of this project is to deliver superior environmental performance (SEP) by capturing the additional airspace

gained by accelerated decomposition of 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. Environmental benefits of this project include: (1) Reduced need for construction of new landfills and corresponding reduction (or elimination) of the land, air, and water impacts associated with landfill construction; (2) Decreased concentration of most leachate constituents as cycling of leachate removes or reduces contaminants; (3) Reduction in the amount of leachate requiring pretreatment; (4) Reduction in the amount of leachate that the facility discharges to the local wastewater treatment plant, and subsequent discharge of effluent to the Patuxent River; and (5) Reduction in post-closure care, maintenance and risk [bioreactor landfills minimize long-term environmental risk and liability due to the controlled settlement of the solid waste during landfill operation, low potential for leachate migration into the subsurface environment, and the recovery of landfill gas during operation].

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

**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

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Resource Conservation and Recovery Act (RCRA)**

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**3516. PAINT MANUFACTURING  
WASTES LISTING: HAZARDOUS  
WASTE MANAGEMENT SYSTEM:  
IDENTIFICATION AND LISTING OF  
HAZARDOUS WASTE**
**Priority:** Other Significant**Legal Authority:** 33 USC 1321; 33 USC 1361; 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6926; 42 USC 6938; 42 USC 9602; 42 USC 9603; 42 USC 9604**CFR Citation:** 40 CFR 261; 40 CFR 271; 40 CFR 302; 40 CFR 264; 40 CFR 265**Legal Deadline:** NPRM, Judicial, January 28, 2001, Administrator signed proposal on 1/25/2001. Final, Judicial, March 30, 2002.

**Abstract:** This action addresses the potential risks posed by wastes from the production of paints, and determines whether these wastes should be listed as hazardous under RCRA to control any potentially unacceptable risks. Any new wastes listed as hazardous will also be added to the CERCLA list of hazardous substances. This action will be implemented by EPA and States authorized under RCRA. Impacts on local governments are not expected. Specific wastes to be addressed are water/caustic cleaning wastes, solvent cleaning wastes, emission control dusts/sludges, wastewater treatment sludges, and off-spec product.

**Timetable:**

Action	Date	FR Cite
NPRM	02/13/01	66 FR 10060
Final Action	03/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Tribal, Federal**Additional Information:** SAN No. 3805

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RIN: 2050-AE32

**3517. MANAGEMENT OF CEMENT  
KILN DUST (CKD)**
**Priority:** Other Significant**Legal Authority:** 42 USC 6912(a) RCRA sec 2002(a); 42 USC 6921(a) RCRA sec 3001(a)**CFR Citation:** 40 CFR 259; 40 CFR 261; 40 CFR 264; 40 CFR 256**Legal Deadline:** None

**Abstract:** Cement kiln dust (CKD) is a high volume material byproduct of the cement manufacturing process. While it contains potentially hazardous constituents such as lead, cadmium and chromium, it has been exempted since November 1980 from hazardous waste regulation under RCRA subtitle C by the Bevill Amendment. This amendment modified section 3001 of RCRA to exempt certain special wastes until further studies could be completed and any applicable regulations were promulgated. In December 1993, EPA submitted a Report to Congress with its findings on the nature and management practices associated with CKD. This was followed in January 1995 by an EPA regulatory determination published in the Federal Register (60 FR 7366, 2/7/95), which concluded that additional control of CKD is warranted. In the regulatory determination EPA committed to develop regulations that would be tailored to protect human health and the environment while limiting burden on the regulated community. These tailored regulations would be developed under RCRA subtitle C and, if necessary, the Clean Air Act. As part of its regulatory development effort, EPA has initiated further studies and has held informal discussions with stakeholders. A proposed rule was issued (64 FR 45632, 8/20/99) which included a comprehensive set of standards for the management of CKD. EPA is currently developing the final preamble and rule, which will address comments received on the proposal.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/99	64 FR 45631
Final Action	10/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 3856

NPRM-  
<http://www.epa.gov/fedrgstr/EPA-WASTE/1999/August/Day-20/f20546.htm>

**Sectors Affected:** 32731 Cement Manufacturing

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RIN: 2050-AE34

**3518. STORAGE, TREATMENT,  
TRANSPORTATION, AND DISPOSAL  
OF MIXED WASTE**
**Priority:** Other Significant**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924; 42 USC 6926; 42 USC 6925; 42 USC 6927; 42 USC 6934; 42 USC 6937**CFR Citation:** 40 CFR 261.4; 40 CFR 262.34; 40 CFR 266**Legal Deadline:** NPRM, Judicial, October 31, 1999. Final, Judicial, April 30, 2001.

**Abstract:** The focus of the rule is to provide flexibility under RCRA Subtitle C to generators of eligible mixed waste. The Agency proposed a conditional exemption from the definition of hazardous waste applicable to: low-level mixed waste (LLMW) for storage; and LLMW or Naturally Occurring and/or Accelerator-produced Radioactive Material (NARM) for transportation and disposal. Upon finalization, the rule is expected to reduce dual regulation for generators in the management and disposal of their wastes. This flexibility should enable generators of LLMW who are licensed by the Nuclear Regulatory Commission (NRC) to claim an exemption for storing

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and treating these wastes in tanks or containers (using solidification, neutralization, or other stabilization processes) without a RCRA permit. This rule may also provide flexibility for the manifesting, transportation and disposal of eligible mixed waste. Waste meeting the conditions may be exempted from certain RCRA Subtitle C hazardous waste requirements and managed as low-level radioactive waste in accordance with NRC regulations.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/01/99	64 FR 10063
NPRM	11/19/99	64 FR 63463
Final Action	04/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** State, Tribal, Federal**Additional Information:** SAN No. 4017

SIC Codes: Nuclear Electric Power Generation (4911); Federal Facilities (9431) and (9511); Mixed Waste Treatment, Storage and Disposal Facilities (4953); Commercial Low Level Radioactive Waste Disposal Facilities (4953); Universities (8221); Medical Facilities (8071); Pharmaceutical Companies (2834); Research Laboratories (8731, 8734)

**Sectors Affected:** 221113 Nuclear Electric Power Generation; 3254 Pharmaceutical and Medicine Manufacturing; 562 Waste Management and Remediation Services; 562219 Other Nonhazardous Waste Treatment and Disposal; 61131 Colleges, Universities and Professional Schools; 6215 Medical and Diagnostic Laboratories; 622 Hospitals; 92 Public Administration; 8112 Electronic and Precision Equipment Repair and Maintenance

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RIN: 2050-AE45

**3519. RECYCLED USED OIL CONTAINING PCBs****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 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 removed these three amendments and reinstated the regulatory text that existed prior to the May 6, 1998 direct final rule. EPA will promulgate a final rule addressing the

comments received and finalizing the three amendments, as appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	05/06/98	63 FR 25006
Direct Final Rule	05/06/98	63 FR 24963
Removal of 3 Amendments	07/14/98	63 FR 37780
Final Action	08/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 4088**Agency Contact:** Mike Svizzero, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W

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RIN: 2050-AE47

**3520. LISTING OF HAZARDOUS WASTE; INORGANIC CHEMICAL WASTES; LAND DISPOSAL RESTRICTIONS FOR NEWLY LISTED WASTES; CERCLA HAZARDOUS SUBSTANCES REPORTABLE QUANTITIES****Priority:** Other Significant**Legal Authority:** 42 USC 6901 to 6992(k)**CFR Citation:** 40 CFR 261; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 271; 40 CFR 302**Legal Deadline:** NPRM, Judicial, August 30, 2000. Final, Judicial, October 31, 2001.

**Abstract:** EPA, under an Environmental Defense Fund settlement agreement, proposed to amend the regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to reduce hazards to human health and the environment for three wastes from the manufacturing of inorganic chemicals. EPA also proposed to add manganese to 40 CFR 261, Appendix VII and VIII; the 40 CFR 268 UTS table; and the F039 landfill leachate listing. Under the settlement agreement, EPA had to review the wastes from 14 inorganic chemical manufacturing sectors including: sodium dichromate production wastes, wastes from the dry process for manufacturing phosphoric acid,

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phosphorus trichloride production wastes, phosphorus pentasulfide production wastes, wastes from the production of sodium phosphate from wet process phosphoric acid, sodium chlorate production wastes, antimony oxide production wastes, cadmium pigments production wastes, barium carbonate production wastes, potassium dichromate production wastes, phenyl mercuric acetate production wastes, boric acid production wastes, inorganic hydrogen cyanide production wastes, and titanium dioxide production wastes (except for chloride process waste solids). EPA published a proposal on September 14, 2000. The rule was proposed under the authority of section 3001(e)(2) of RCRA which directs EPA to make hazardous waste listing determinations for inorganic chemical manufacturing wastes. The FR notice proposes to list as hazardous three specific wastes under 40 CFR Part 261: 1) baghouse filters from the production of antimony oxide; 2) slag from the production of antimony oxide that is disposed of or speculatively accumulated; and 3) nonwastewaters from the production of titanium dioxide by the chloride-ilmenite process. The remaining wastes evaluated in the rule were proposed to not be listed as hazardous wastes. EPA will evaluate public comments on the proposal and develop the final rule. This action will include final Land Disposal Restrictions for the final listed wastes. Where possible, newly listed wastes will be given CERCLA Hazardous Substance Designation and Reportable Quantities assigned.

**Timetable:**

Action	Date	FR Cite
NPRM	09/14/00	65 FR 55684
Final Action	11/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 4083

**Sectors Affected:** 32518 Other Basic Inorganic Chemical Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 325312 Phosphatic Fertilizer Manufacturing; 31611 Leather and Hide Tanning and Finishing; 313 Textile Mills; 325611 Soap and Other Detergent Manufacturing

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**RIN:** 2050-AE49**3521. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)****Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a) RCRA sec 2002(a); 42 USC 6924 RCRA sec 3004; 42 USC 6925 RCRA sec 3005; 42 USC 6926 RCRA sec 3006

**CFR Citation:** 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761

**Legal Deadline:** None

**Abstract:** The revised financial responsibility test is intended to improve the current test in predicting which firms will enter bankruptcy and not be able to cover their financial obligations for liability and closure costs of hazardous waste treatment, storage and disposal facilities. A bankrupt firm may be unable to afford the proper closure of a facility which would require the government to incur response costs at the facility. The rule would also qualify owners and operators of RCRA Treatment, Storage, and Disposal Facilities which must currently use more expensive ways, such as surety bonds or letters of credit, of demonstrating financial assurance, to use the less expensive corporate financial responsibility test for more of their obligations. The combined savings from screening out riskier firms and making the test more available to viable firms would be approximately \$19 million annually in public and private costs. These regulatory amendments would have no effect on local or tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/91	56 FR 30201
NPRM	10/12/94	59 FR 51523
Notice of Data Availability	09/00/01	
Final Action	03/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 2647

**Sectors Affected:** 323110 Commercial Lithographic Printing; 323114 Quick Printing; 325131 Inorganic Dye and Pigment Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 331311 Alumina Refining; 325211 Plastics Material and Resin Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 32512 Industrial Gas Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325193 Ethyl Alcohol Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 311942 Spice and Extract Manufacturing; 32411 Petroleum Refineries; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 33271 Machine Shops; 33299 All Other Fabricated Metal Product Manufacturing; 333319 Other Commercial and Service Industry Machinery Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 334 Computer and Electronic Product Manufacturing; 336 Transportation Equipment Manufacturing; 48422 Specialized Freight (except Used Goods) Trucking, Local; 56211 Waste Collection; 22111 Electric Power Generation; 22112 Fossil Fuel Electric Power Generation; 22132 Sewage Treatment Facilities; 56292 Materials Recovery Facilities; 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

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**3522. HAZARDOUS WASTE IDENTIFICATION RULE (HWIR): IDENTIFICATION AND LISTING OF HAZARDOUS WASTES****Priority:** Other Significant**Legal Authority:** 42 USC 6912(a) RCRA sec 2002(a); 42 USC 6921 RCRA sec 3001; 42 USC 6922 RCRA sec 3002; 42 USC 6926 RCRA sec 3004; 42 USC 6926 RCRA sec 3006**CFR Citation:** 40 CFR 261**Legal Deadline:** Final, Judicial, April 30, 2001.

Other, Judicial, October 31, 1999, Reproposal.

**Abstract:** This action would amend regulations governing solid wastes that are designated as hazardous, because they have been mixed with or derived from listed hazardous wastes. The Agency proposed to retain the mixture and derived-from rules promulgated under the Resource Conservation and Recovery Act (RCRA). These rules are currently in effect on an emergency basis. The Agency also proposed two revisions to the mixture and derived-from rules. The first was an exemption for wastes and their residuals listed solely for the ignitability, corrosively, and/or reactivity characteristics. The second, which EPA proposed in a separate notice, was a conditional exemption from the mixture and derived from rules for mixed wastes (that is, wastes that are both hazardous and radioactive).

Because this action is deregulatory, it is not expected to have adverse impacts on small business. This action will be implemented by EPA and authorized States.

**Timetable:**

Action	Date	FR Cite
NPRM	05/20/92	57 FR 21450
NPRM Withdrawn	10/30/92	57 FR 49280
NPRM Reproposal	12/21/95	60 FR 66344
NPRM Reproposal	11/19/99	64 FR 63381
Notice of Data Availability	07/18/00	65 FR 44491
Final Action	05/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 3328**Sectors Affected:** 325 Chemical Manufacturing; 324 Petroleum and Coal

Products 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

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**RIN:** 2050-AE07**3523. AMENDMENTS TO THE CORRECTIVE ACTION MANAGEMENT UNIT RULE****Priority:** Other Significant**Legal Authority:** 42 USC 6901 et.seq.**CFR Citation:** 40 CFR 260; 40 CFR 264; 40 CFR 271**Legal Deadline:** NPRM, Judicial, August 7, 2000, Settlement agreement calls for proposal to be signed by 08/07/2000.

Final, Judicial, October 8, 2001, Settlement agreement calls for final to be signed by 10/8/2001.

**Abstract:** EPA has proposed amendments to the existing RCRA Corrective Action Management Unit (CAMU Regulation (at 40 CFR 264.552). CAMUs are used for managing remediation wastes onsite during the course of implementing corrective action or cleanup at a facility. CAMUs can promote cleanups by allowing a broader range of cleanup activities than are allowed under the other hazardous waste management regulations. Upon finalization, the amendments will add more detail to the treatment and technical standards for management of cleanup wastes in CAMUs.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/00	65 FR 51079
Final Action	10/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 4419**Agency Contact:** William Schoenborn, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460

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**RIN:** 2050-AE77**3524. PROJECT XL SITE-SPECIFIC RULEMAKING FOR THE U.S. FILTER RECOVERY SERVICES, ROSEVILLE, MINNESOTA, AND APPROVED GENERATORS AND TRANSPORTERS OF USFRS XL WASTE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6912; 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6926; 42 USC 6930; 42 USC 6937; 42 USC 6938; 42 USC 6974**CFR Citation:** 40 CFR 260 to 265; 40 CFR 268; 40 CFR 270; 40 CFR 273; 40 CFR 279**Legal Deadline:** None

**Abstract:** EPA is proposing this rule to implement a project under the Project XL program that would provide regulatory flexibility under the Resource Conservation and Recovery Act (RCRA), as amended for the US Filter Recovery Services (USFRS) facility located at 2430 Rose Place, Roseville, Minnesota, 55113 and approved Minnesota generators and transporters of wastes from the use of USFRS's waste water treatment ion exchange resins. The principal objective of this USFRS XL Project is to pilot a flexible, performance-based system for managing waste waters from electroplaters, metal finishers and similar industries who by virtue of their using USFRS water treatment ion exchange resins generate electroplating sludges which are regulated hazardous wastes. To achieve this, today's proposed rule would provide regulatory flexibility to allow approved generators and transporters of USFRS's water treatment ion exchange resin wastes to replace existing requirements for hazardous waste generators and transporters with a comprehensive program designed and implemented by USFRS to properly store and transport the USFRS water treatment ion

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exchange resins. The overall terms of this XL project are contained in the draft Final Project Agreement (FPA).

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/00	65 FR 50283
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** State

**Additional Information:** SAN No. 4437

**Sectors Affected:** 332813

Electroplating, Plating, Polishing, Anodizing and Coloring

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**RIN:** 2090-AA15

**3525. • PROJECT XL SITE-SPECIFIC RULEMAKING FOR YOLO COUNTY LANDFILL, DAVIS, YOLO COUNTY, CALIFORNIA**

**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:** Yolo County proposed a project under EPA's Project XL to use certain bioreactor techniques at its municipal solid waste landfill (MSWLF), specifically the recirculation of leachate and the addition of bulk or non-containerized liquid wastes into the landfill to accelerate the biodegradation of landfill waste and decrease the time it takes for the waste to stabilize in the landfill. The principal objective of this bioreactor XL project is to evaluate waste decomposition rates when leachate is supplemented with other liquid additions. In order to carry out this project, Yolo County would need relief

from certain requirements in EPA regulations which set forth operating criteria for MSWLFs and preclude the addition of bulk or non-containerized liquid wastes. This proposal to allow addition of liquid wastes will apply only to Phase One in Module D. The Yolo County bioreactor project is one of several bioreactor XL projects currently being considered by EPA. Proponents of bioreactor technology note that operation of MSWLFs as bioreactors provide a number of environmental benefits, including: (1) increasing the rate of waste decomposition, which in turn would extend the operating life of the landfill and lessen the need for additional landfill space or other disposal options; (2) decreasing, or even eliminating, the quantity, and increasing the quality, of leachate requiring treatment and offsite disposal, leading to decreased risks and costs associated with leachate management, treatment and disposal; (3) reduced post-closure care costs and risks, due to the accelerated, controlled settlement of the solid waste during landfill operation; (4) lower long term potential for leachate migration into the subsurface environment; and (5) opportunity for recovery of methane gas for energy production.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

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

**Additional Information:** SAN No. 4498

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**RIN:** 2090-AA18

**3526. • PROJECT XL NOTICE OF PROPOSED RULE FOR AUTOLIV INC. SITE-SPECIFIC RULEMAKING**

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

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** By publishing this document in the Federal Register, The Environmental Protection Agency (EPA) solicits comment on the proposed rule which has been drafted to implement the Autoliv XL project that is expected to produce superior environmental performance. EPA is proposing to implement this project under the Project XL program in order to provide site-specific regulatory flexibility under the Resource Conservation and Recovery Act (RCRA), for the Autoliv ASP Inc.(Autoliv) facility in Promontory, Utah. The principal objective of this XL Project is to explore the benefits of a more streamlined and flexible RCRA regulation of pyrotechnic hazardous wastes from the automobile airbag industry that are treated in industrial furnaces. The terms of the project are defined in the Final Project Agreement (FPA) which was made available for public review and comments through a Federal Register notice on August 14, 2000 (Volume 65, Number 157 [FRL-6846-7]) and signed on September 20, 2000 by Autoliv, Box Elder County, the state of Utah, and EPA. The facility will continue to comply with certain general RCRA conditions on facility operations, as described in this site-specific rule for the Autoliv Facility and any applicable state of Utah regulations. EPA anticipates that this project will provide information on how to develop alternative approaches to handling pyrotechnic waste. This information would be useful to EPA in learning more about alternative treatment approaches for airbag manufacturing wastestreams. This proposed rule will not in any way impact the provisions or applicability of any other existing or future regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	02/13/01	66 FR 9992
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

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**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Additional Information:** SAN No. 4516  
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**RIN:** 2090-AA19

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Resource Conservation and Recovery Act (RCRA)**

Long-Term Actions

**3527. HAZARDOUS WASTE  
 MANAGEMENT SYSTEM: SLAG  
 RESIDUES DERIVED FROM HIGH  
 TEMPERATURE METALS RECOVERY  
 (HTMR) TREATMENT OF KO61, KO62  
 AND F0006 WASTES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6905 RCRA  
 sec 2002; 42 USC 6921; 42 USC 6922;  
 42 USC 6924; 42 USC 6934; 42 USC  
 6938; 42 USC 6912(a) RCRA sec  
 2002(a); 42 USC 6922 RCRA sec 3002;  
 42 USC 6924 RCRA sec 3004

**CFR Citation:** 40 CFR 261; 40 CFR 266

**Legal Deadline:** None

**Abstract:** EPA assessed the potential risks to human health and the environment from the use of slag residues (slags) resulting from high temperature metals recovery (HTMR) treatment of specified hazardous wastes (i.e., electric arc furnace dust, steel finishing pickle liquor, and electroplating sludges). This assessment was used as a basis for the proposed rule to reclassify these slags as nonhazardous when they meet certain exclusion levels and are managed and used in a certain manner. EPA needs to reevaluate the proposed rule due to significant issues raised by public commenters. There is currently no deadline for final action on the proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/29/94	59 FR 67256
Final Action	To Be	Determined

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State,  
 Federal

**Federalism:** Undetermined

**Additional Information:** SAN No. 3428

**Sectors Affected:** 56292 Materials  
 Recovery Facilities

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**RIN:** 2050-AE15

**3528. HAZARDOUS WASTE  
 IDENTIFICATION; RECYCLED USED  
 OIL MANAGEMENT STANDARDS**

**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 279

**Legal Deadline:** None

**Abstract:** EPA is reviewing whether the provision of the used oil management standards which governs mixtures of recycled used oil and characteristic hazardous waste, 40 CFR 279.10(b)(2) (the used oil mixture rule), is consistent with the United States Court of Appeals for the District of Columbia Circuit's decision in *Chemical Waste Management, Inc. v. EPA*. The decision, which concerned a challenge to portions of EPA's land disposal restrictions, held that EPA could not authorize certain wastes exhibiting the hazardous characteristics of ignitability, reactivity, or corrosivity to be diluted to eliminate the characteristic and then be land-disposed unless the hazardous constituents in the waste were adequately treated to minimize threats to human health and the environment.

The used oil mixture rule provides that a mixture of hazardous waste and used oil destined for recycling, if the mixture is hazardous solely because it exhibits a hazardous waste characteristic, is regulated under the used oil management standards. Under the used oil mixture rule, such a decharacterized mixture, therefore, is not subject to the hazardous waste regulations, including

those relating to land disposal restrictions. Further analysis is necessary to determine whether mixtures of used oil destined for recycling and characteristic hazardous wastes differ significantly from other mixtures containing characteristic wastes in terms of potential threat to human health and the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State,  
 Federal

**Federalism:** Undetermined

**Additional Information:** SAN No. 3668

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**RIN:** 2050-AE28

**3529. MERCURY-CONTAINING AND  
 RECHARGEABLE BATTERY  
 MANAGEMENT ACT; CODIFICATION  
 OF WASTE MANAGEMENT  
 PROVISIONS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 14303

**CFR Citation:** 40 CFR 271; 40 CFR 273

**Legal Deadline:** None

**Abstract:** The purpose of this rule is to codify into the Code of Federal Regulations certain provisions of the Mercury-Containing and Rechargeable Battery Management Act that impact the May 11, 1995 Universal Waste Rule (40 CFR part 273). The Act was signed by the President on May 13, 1996 and became immediately effective

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nationwide on the date of signature. Specifically, one provision of the law requires the collection, storage, and transportation of the following types of batteries be managed according to standards established in the Universal Waste Rule: used rechargeable batteries, lead-acid batteries not covered by 40 CFR part 266 or the equivalent requirements of an approved state program, rechargeable alkaline batteries, certain mercury-containing batteries banned from domestic sale, and used consumer products containing rechargeable batteries that are not easily removable. The law prohibits State imposed requirements that are not identical to those found in the Federal Universal Waste Rule, but allows States to adopt and enforce identical standards and to implement and enforce collection, storage, and transport requirements identical to those included in the universal waste rule if the standards are approved by the EPA Administrator.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3888

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**RIN:** 2050-AE39

**3530. RCRA APPENDIX VIII STREAMLINING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6938

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** This action will propose to modify the list of chemicals found in Appendix VIII of 40 CFR part 261 by: (1) rearranging the Appendix into

groups of chemicals according to their frequency of expected occurrence in wastes; (2) clarifying ambiguous entries currently on the Appendix such as those marked not otherwise specified; and (3) deleting those chemicals for which the risk from potential exposure is considered to be minimal.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 4090

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**RIN:** 2050-AE55

**3531. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO PETROLEUM CONTAMINATED MEDIA AND DEBRIS FROM UNDERGROUND STORAGE TANKS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6921 RCRA sec 3001

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** In the final hazardous waste Toxicity Characteristic (TC) rule published in June 1990, EPA decided to temporarily defer application of the TC rule to petroleum-contaminated media and debris, such as soils and groundwater, that result from underground storage tank (UST) corrective actions. This rule is part of the Agency's commitment to make a final determination regarding the UST temporary deferral. The temporary deferral was, in part, based on the Agency's concern that without such a deferral, UST cleanup procedures would be adversely affected, resulting in delays in remedial action and increases in remediation costs. Since this action is deregulatory, there are no adverse effects on small businesses, or on State, local, or tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	02/12/93	58 FR 8504
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 3189

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**RIN:** 2050-AD69

**3532. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUS) AT HAZARDOUS WASTE MANAGEMENT FACILITIES**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 6924 RCRA sec 3004(u); 42 USC 6924 RCRA sec 3004(v)

**CFR Citation:** 40 CFR 264; 40 CFR 270

**Legal Deadline:** None

**Abstract:** Past and present waste management practices at Resource Conservation and Recovery Act (RCRA) treatment, storage or disposal facilities have resulted in releases of hazardous constituents from some waste management units. These releases may cause contamination of soils, groundwater, surface water, and air. This regulation provides a framework for investigating and remediating releases at RCRA facilities as necessary to protect human health and the environment.

The Agency has issued the corrective action regulations in several phases. A proposal for corrective action at RCRA facilities was published in July 1990. In February 1993, regulations concerning Corrective Action Management Units (CAMU) and Temporary Units were issued. An advance notice of proposed rulemaking (ANPRM) was published on May 1, 1996, which provided further guidance on implementation of the corrective action program and requested comment on the future direction of the program,

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including resolution of the 1990 proposal. In October 1999, the Agency announced its decision to withdraw most provisions of the July 1990 proposal.

**Timetable:**

Action	Date	FR Cite
NPRM	07/27/90	55 FR 30798
Final Rule (Phase I)	02/16/93	58 FR 8658
ANPRM	05/01/96	61 FR 19432
Notice Published - Partial Withdrawal of Proposed Rulemaking	10/07/99	64 FR 54604
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 2390

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**RIN:** 2050-AB80

### 3533. LAND DISPOSAL RESTRICTIONS; POTENTIAL REVISIONS FOR MERCURY LISTED AND CHARACTERISTIC WASTES

**Priority:** Other Significant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924

**CFR Citation:** 40 CFR 268

**Legal Deadline:** None

**Abstract:** In May 1999, EPA published an Advance Notice of Proposed Rulemaking that described the issues the Agency has with the current Land Disposal Restrictions (LDR) treatment standards for mercury bearing hazardous wastes. Based on the comments received on this ANPRM as well as other information the Agency has collected, we are now preparing a proposed rule to revise some of the LDR standards for mercury wastes looking at the treatment of elemental mercury waste. We anticipate proposing a second phase of changes to the mercury treatment standards when we have finished researching the performance of stabilization technologies. This second phase of changes will most likely discuss

possible treatment alternatives for mercury waste that contains greater than or equal to 260 mg/kg total mercury. The current regulations require retorting of this waste or incineration if the waste also contains organics.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/28/99	64 FR 28949
NPRM	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4094

**Sectors Affected:** 325181 Alkalies and Chlorine Manufacturing; 3353 Electrical Equipment Manufacturing; 3254 Pharmaceutical and Medicine Manufacturing; 32551 Paint and Coating Manufacturing

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**RIN:** 2050-AE54

### 3534. LAND DISPOSAL RESTRICTIONS; TREATMENT STANDARDS FOR SPENT POTLINERS FROM PRIMARY ALUMINUM REDUCTION (K088) AND REGULATORY CLASSIFICATION OF K088 VITRIFICATION UNITS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924

**CFR Citation:** 40 CFR 268; 40 CFR 271

**Legal Deadline:** None

**Abstract:** On July 20, 2000, EPA proposed revised treatment standards for K088 wastes. Specifically, the Agency proposed to lower the cyanide treatment standard and reinstate a

treatment standard for fluoride nonwastewaters based on a deionized water leach test. Comments to the proposed rule were significant and suggest that there are significant treatment issues yet to be resolved for K088 waste. The Agency needs to further assess the treatment universe for K088 and is considered extending the possible date of a final rule or to investigate other strategies both regulatory and non-regulatory to facilitate recycling of spent aluminum potliners.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/00	65 FR 42937
Final Action	10/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4233

**Sectors Affected:** 3334 Ventilation, Heating, Air-Conditioning and Commercial Refrigeration Equipment Manufacturing

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**RIN:** 2050-AE65

### 3535. TEMPORARY SUSPENSION OF TOXICITY CHARACTERISTIC RULE FOR SPECIFIC LEAD-BASED PAINT DEBRIS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6938

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** Currently, waste derived from lead-based paint (LBP) abatements that exhibits the characteristics of toxicity

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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 of such debris (e.g., doors, windows and demolition debris) may interfere with abatement activities. EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) and the Office of Solid Waste have proposed a joint rulemaking to address the disposal of this debris. (See also RIN 2070-AC72.) The final rule being prepared by OPPTS would develop disposal and management standards for this debris 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 and management standards for LBP debris 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 LBP debris, which will be subject to the new TSCA standards.

**Timetable:**

Action	Date	FR Cite
NPRM RCRA Temporary Suspension	12/18/98	63 FR 70233
Final Action RCRA Temporary Suspension	08/00/02	

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 4263

**Sectors Affected:** 48423 Specialized Freight (except Used Goods) Trucking, Long-Distance; 48412 General Freight Trucking, Long-Distance; 54138 Testing Laboratories; 23551 Carpentry Contractors; 23321 Single Family Housing Construction; 23332 Commercial and Institutional Building Construction; 23542 Drywall,

Plastering, Acoustical and Insulation Contractors; 23561 Roofing, Siding and Sheet Metal Contractors; 23592 Glass and Glazing Contractors; 56291 Remediation Services; 23599 All Other Special Trade Contractors; 23511 Plumbing, Heating and Air-Conditioning Contractors; 23531 Electrical Contractors; 23552 Floor Laying and Other Floor Contractors; 23311 Land Subdivision and Land Development; 562111 Solid Waste Collection; 562112 Hazardous Waste Collection; 562119 Other Waste Collection; 48411 General Freight Trucking, Local; 48421 Used Household and Office Goods Moving; 48422 Specialized Freight (except Used Goods) Trucking, Local; 23594 Wrecking and Demolition Contractors; 56221 Waste Treatment and Disposal; 23322 Multifamily Housing Construction; 23521 Painting and Wall Covering Contractors; 56292 Materials Recovery Facilities

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**RIN:** 2050-AE68

**3536. REQUIREMENTS FOR ZINC FERTILIZER MADE FROM RECYCLED HAZARDOUS SECONDARY MATERIALS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1006 et seq

**CFR Citation:** 40 CFR 261; 40 CFR 266; 40 CFR 268; 40 CFR 271

**Legal Deadline:** NPRM, Judicial, November 15, 2000, Consent agreement; met deadline.

Final, Judicial, April 15, 2002, Consent agreement.

**Abstract:** This rulemaking is intended to revise the current RCRA regulations that apply to recycling of hazardous wastes in the manufacture of zinc fertilizers. Specifically, it is intended to establish a more consistent application of these recycling requirements to zinc fertilizer products, to establish a set of standards for contaminants in RCRA-regulated zinc fertilizers that are more appropriate to fertilizers and are protective of human health and the environment, and to specify more appropriate, protective conditions for

management of zinc-bearing hazardous secondary materials prior to recycling. These regulatory revisions are expected to directly affect companies that manufacture zinc fertilizers from hazardous secondary materials, and is likely to benefit such manufacturers that are small businesses by removing certain regulatory disincentives to legitimate recycling activities.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 4208

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32531 Fertilizer Manufacturing; 331111 Iron and Steel Mills; 331419 Primary Smelting and Refining of Nonferrous Metal (except Copper and Aluminum); 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum); 562112 Hazardous Waste Collection

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**RIN:** 2050-AE69

**3537. RCRA CONTROLS FOR WASTEWATER TREATMENT UNITS**

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 6922; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6974

**CFR Citation:** 40 CFR 260; 40 CFR 264; 40 CFR 265

**Legal Deadline:** None

**Abstract:** EPA is evaluating health risks posed by wastewater treatment units and is considering control requirements and/or emission standards for those units that are currently exempt from such requirements. Any standards eventually imposed by this action would be intended to mitigate human health risks, particularly direct

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inhalation risks, posed by these units. The wastewater treatment units of concern are tanks in which hazardous wastes are treated and subsequently released to surface waters or sewage treatment facilities regulated under the Clean Water Act (CWA). Although wastewater discharges from these tanks are regulated under the CWA, the tanks themselves are not and are also “temporarily exempt” from hazardous waste regulations under the RCRA. Wastewater treatment units have been exempt from RCRA regulations for many years, although the Agency has stated its concerns about these units and its intention to reconsider, at some point, the temporary exemption.

Recent studies undertaken by EPA have identified air emissions from waste management units as an area that is not well addressed by RCRA hazardous waste regulations. In particular, study findings show wastewater treatment units to be the waste management unit of most concern for direct inhalation risks. Not only can these units pose the greatest inhalation risks when compared to other waste management units, but these units are specifically exempted from all existing RCRA air emission controls. Air emission controls imposed by the Clean Air Act (CAA) address air emissions from some wastewater treatment units, but these requirements depend on industry sector, quantity of emissions, and technologies available. This action constitutes the Agency’s evaluation of the long-standing temporary wastewater treatment unit exemption and an attempt to reduce unacceptable inhalation risks, where CAA and RCRA regulations are absent, from the treatment of hazardous wastes in wastewater treatment units.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

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

Undetermined

**Federalism:** Undetermined**Additional Information:** SAN No. 4430

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**RIN:** 2050-AE82**3538. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES - NON-POWER PRODUCERS AND MINEFILLING****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 6907(a)(3); 42 USC 6944**CFR Citation:** 40 CFR 257**Legal Deadline:** None

**Abstract:** EPA is developing proposed regulations for the management of coal combustion wastes that are generated by non-electric utility coal burners and managed in landfills and surface impoundments, and for the practice of minefilling of coal combustion wastes. On April 25, 2000 EPA issued a regulatory determination for fossil fuel combustion wastes (65 FR 32214, May 22, 2000) to announce its decision that certain wastes from the combustion of fossil fuels (including coal, oil and natural gas) should remain exempt from Subtitle C (management as hazardous waste) of RCRA. This regulatory determination also announced that regulations under RCRA Subtitle D (management as non-hazardous wastes) are appropriate for management of certain coal combustion wastes that are disposed in landfills and surface impoundments. In addition, EPA stated its plan to consult with the U.S. Department of the Interior on appropriate measures under the Surface Mining Control and Reclamation Act (SMCRA) or RCRA or some combination of both, to address the disposal of coal combustion wastes when used for minefilling in surface or underground mines. Although the utility industry has made significant improvements in waste management practices over recent years, and most state regulatory programs are similarly improving, public comments and other analyses have convinced the Agency that coal combustion wastes could pose risks to human health and the environment, if they are not properly managed. There is sufficient evidence that adequate controls may not be in place. For example, while most states

can now require newer waste management units to include liners and groundwater monitoring, less than about 50% of existing non-utility landfills are lined (these statistics exclude municipal solid waste landfills which are not the subject of this action). EPA acknowledges that some waste management units may not warrant liners and/or groundwater monitoring, depending on site-specific characteristics. The Agency also decided that the practice of minefilling coal combustion wastes could present a danger to human health and the environment under certain circumstances. Since there are few states that currently operate comprehensive programs that specifically address the unique circumstances of minefilling, the Agency believes national regulations under RCRA Subtitle D and/or SMCRA may be appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local, Tribal, Federal**Federalism:** Undetermined**Additional Information:** SAN No. 4469

Any Federal, state, local or tribal governments that own/operate coal-burning facilities (excluding facilities that primarily generate electric power for sale) or coal mines that accept coal combustion wastes may be subject to this rule.

**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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## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

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**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Resource Conservation and Recovery Act (RCRA)**

## Completed Actions

**3539. LISTING DETERMINATION FOR WASTEWATER AND WASTEWATER TREATMENT SLUDGES FROM CHLORINATED ALIPHATICS PRODUCTIONS; LAND DISPOSAL RESTRICTIONS FOR NEWLY IDENTIFIED WASTE**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 261; 40 CFR 268; 40 CFR 271; 40 CFR 302

**Completed:**

Reason	Date	FR Cite
Final Action	11/08/00	65 FR 67068

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Federal

**Sectors Affected:** 32511 Petrochemical Manufacturing; 32521 Resin and Synthetic Rubber Manufacturing

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**RIN:** 2050-AD85

**3540. DEFERRAL OF PHASE IV STANDARDS FOR PCBs AS A CONSTITUENT SUBJECT TO TREATMENT IN SOIL**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 268

**Completed:**

Reason	Date	FR Cite
Final Action	12/26/00	65 FR 81373

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Federal

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**RIN:** 2050-AE76

**3541. PROJECT XL — IBM VT PILOT PROJECT PROVIDING A SITE-SPECIFIC EXEMPTION OF A METALLIZATION PROCESS FROM THE F006 LISTING DESCRIPTION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 261

**Completed:**

Reason	Date	FR Cite
Final Action	09/12/00	65 FR 54955

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 2090-AA11

**3542. • PROJECT XL SITE-SPECIFIC RULEMAKING FOR BUNCOMBE COUNTY LANDFILL, ALEXANDER, NORTH CAROLINA**

**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:** Buncombe County proposed a project under EPA's Project XL to use certain bioreactor techniques at its municipal solid waste landfill (MSWLF), specifically, the recirculation of landfill leachate, with the possible addition of water, to accelerate the biodegradation of landfill waste and to decrease the time it takes for the waste to reach stabilization in the landfill. A component of this project will include landfill gas recovery. The principal objective of this XL project is to evaluate the rate of waste

decomposition when leachate is added to the landfill and monitor the rate of gas generation. To implement this project, Buncombe County will need relief from certain regulatory requirements in EPA regulations which set forth the construction and operating criteria for MSWLFs. Proponents of bioreactor technology note that operation of MSWLFs as bioreactors provide a number of environmental benefits including: (1) increasing the rate of waste decomposition which in turn extends the operating life of the landfill and lessens the need for additional landfill space or other disposal options; (2) decreasing or even eliminating the quantity leachate requiring treatment and offsite disposal while improving the quality, leading to reduced post closure care costs and fewer risks; (4) lower long term potential for leachate migration into the subsurface environment; and (5) opportunity for recovery of methane gas for energy production.

**Timetable:**

Action	Date	FR Cite
Final Action	04/17/01	66 FR 19403

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4497

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**RIN:** 2090-AA22

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Oil Pollution Act (OPA)**

Final Rule Stage

**3543. OIL POLLUTION PREVENTION  
REGULATION: REVISIONS**
**Priority:** Other Significant**Legal Authority:** 33 USC 1321 CWA sec 311(j)(1)(C)**CFR Citation:** 40 CFR 112**Legal Deadline:** None

**Abstract:** Following a major inland oil spill with substantial environmental impacts (i.e., Ashland Oil in Floreffe, PA, in January 1988), an interagency task force recommended steps to improve EPA's oil spill prevention program (40 CFR part 112). This program requires oil storage facilities to prevent and contain discharges that could reach waters of the United States. On October 22, 1991, the Agency

proposed revisions to implement some of the task force recommendations and on February 17, 1993, the Agency proposed further clarifications and technical changes to the spill prevention regulations. On December 2, 1997, EPA supplemented the 1991 and 1993 proposed revisions with a proposal to reduce burdens associated with the oil spill prevention program by reducing the recordkeeping provisions or exempting some facilities from some recordkeeping requirements. This rule will take final action on the 1991, 1993, and 1997 proposals.

**Timetable:**

Action	Date	FR Cite
NPRM	10/22/91	56 FR 54612
NPRM	02/17/93	58 FR 8824

Action	Date	FR Cite
Supplemental NPRM Final Action	12/02/97 08/00/01	62 FR 63812

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 2634

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**RIN:** 2050-AC62
**ENVIRONMENTAL PROTECTION AGENCY (EPA)**
**Comprehensive Environmental Response, Compensation and Liability Act**

Proposed Rule Stage

**3544. REPORTABLE QUANTITY  
ADJUSTMENTS FOR CARBAMATES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 11004; 42 USC 9602(a)**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) unless 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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3423

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**RIN:** 2050-AE12
**3545. NATIONAL PRIORITIES LIST  
FOR UNCONTROLLED HAZARDOUS  
WASTE SITES: PROPOSED AND  
FINAL RULES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 9605 Superfund (CERCLA) sec 105**CFR Citation:** 40 CFR 300.425**Legal Deadline:** None

**Abstract:** This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

**Timetable:**

Action	Date	FR Cite
NPRM 24	03/06/98	63 FR 11340
Final Action 20	03/06/98	63 FR 11332
NPRM 25	07/28/98	63 FR 40247
Final Action 21	07/28/98	63 FR 40182
Final Action (Tex-Tin Corp)	09/18/98	63 FR 49855
NPRM 26	09/29/98	63 FR 51882
Final Action 22	09/29/98	63 FR 51848
NPRM 27	01/19/99	64 FR 2950
Final Action 23	01/19/99	64 FR 2942
NPRM (Midnight Mine)	02/16/99	64 FR 7564
NPRM 28	04/23/99	64 FR 19968
NPRM (Alameda)	05/10/99	64 FR 24990
Final Action 24	05/10/99	64 FR 24949
NPRM 29	07/22/99	64 FR 39886
Final Action 25	07/22/99	64 FR 39878
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
NPRM 31	02/04/00	65 FR 5468
Final Action 26	02/04/00	65 FR 5435
NPRM 32	05/11/00	65 FR 30489
Final Action 28	05/11/00	65 FR 30482
NPRM 33	07/27/00	65 FR 46131
Final Action 29	07/27/00	65 FR 46096

## EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage

Action	Date	FR Cite
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 Site No. Undetermined	04/00/01	
NPRM Site No. Undetermined	04/00/01	
Final Action Site No. Undetermined	04/00/01	
Final Action Site No. Undetermined	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal**Additional Information:** SAN No. 3439

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**RIN:** 2050-AD75
**3546. REVISE 40 CFR PART 35  
SUBPART O: COOPERATIVE  
AGREEMENTS AND SUPERFUND  
STATE CONTRACTS FOR  
SUPERFUND RESPONSE ACTIONS**
**Priority:** Other Significant**Legal Authority:** 42 USC 9601 to 9675**CFR Citation:** 40 CFR 35 subpart O**Legal Deadline:** None

**Abstract:** 40 CFR part 35 subpart O is the Superfund Administrative Regulation that governs awarding of Superfund cooperative agreements (CAs) to States, Indian tribes, and territories of the United States. Subpart O covers State-lead, site-specific cooperative agreements for non-time-critical removal, preremedial, remedial, and enforcement actions, and site-specific management assistance for federal-lead projects. Also covered by subpart O are non-site-specific Core Program and Voluntary Cleanup Program State infrastructure development, as well as Brownfields pilots, and Brownfields assessments. The requirements for Superfund State contracts, financial administration, property, procurement, reporting, recordkeeping, and closeout are provided in subpart O.

Subpart O was promulgated 6/5/1990, and became effective on 7/5/1990. Many changes in the Superfund program have occurred over the past almost ten years and these need to be reflected in subpart O. The six categories of CAs presently used in subpart O need greater flexibility to accommodate the new types of CAs that have developed. For example, the number of Block Funding Reform pilots, begun in 1997, to consolidate several of the cooperative agreements offered in subpart O, has grown to about 16 for fiscal year 2000, and have generated at least 60 approved deviation requests from subpart O and 40 CFR part 31. These pilot projects offer considerable administrative relief to States, tribes, and EPA by reducing reporting requirements, broadening scope changes without amendment, increasing the ability to move monies within and among CAs, and relaxing application requirements regarding site-specific identification of cooperative agreement funds to certain activities, while maintaining site-specific

drawdown requirements needed for cost recovery and Superfund accounting. Subpart O also needs to be conformed with part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements).

EPA expects to institutionalize the combining of CA types, create more flexible reporting requirements, permit greater scope changes without amendment, provide more flexible money movement within and among CAs, and other policy advances in State/tribal/EPA interaction.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	

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

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Additional Information:** SAN No. 4177

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**RIN:** 2050-AE62

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Long-Term Actions

## Comprehensive Environmental Response, Compensation and Liability Act

**3547. REPORTING EXEMPTIONS FOR  
FEDERALLY PERMITTED RELEASES  
OF HAZARDOUS SUBSTANCES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1321; 33 USC 1361; 42 USC 9602; 42 USC 11004**CFR Citation:** 40 CFR 117; 40 CFR 302; 40 CFR 355**Legal Deadline:** None

**Abstract:** This action would clarify the definition of federally permitted release under the Comprehensive Environmental Response,

Compensation, and Liability Act (CERCLA). Federally permitted releases of hazardous substances are exempt from CERCLA reporting and liability, and from reporting under section 304 of the Emergency Planning and Community Right-to-Know Act.

## EPA—Comprehensive Environmental Response, Compensation and Liability Act Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27268
Supplemental Notice	07/11/89	54 FR 29306
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 2394

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**RIN:** 2050-AB82

### 3548. STREAMLINING THE PREAUTHORIZATION MIXED FUNDING FOR APPLICATION AND IMPLEMENTATION OF CLAIMS AGAINST SUPERFUND

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 9601**CFR Citation:** 40 CFR 307**Legal Deadline:** None

**Abstract:** Current regulations at 40 CFR part 307 provide for the preauthorization of claims against the Superfund in instances where the Agency makes a determination that mixed funding is appropriate. This process has been labeled by many stakeholders as overly burdensome. The Agency has reviewed the current process in order to identify areas in which burdens may be lessened and requirements may be streamlined. As a result, the Agency is considering a proposal to amend the current regulation to: streamline the application process by eliminating duplicative information requirements; minimize the requirements related to management, oversight, and reporting of the cleanup, by removing the requirement to be

guided by the Federal Acquisition Requirements, and replacing the requirement of maximum free and open competition with a bright-line standard; allow claimants to provide independent certification of claims and supporting documentation; streamline the actual payment process by taking advantage of the electronic funds transfer process; ensure that cost recovery concerns are addressed by requiring claimants, within a settlement document, to reimburse the Fund for costs not recovered (only in the event cost recovery is initiated), due to claimants' failure to provide adequate documentary support or upon a determination that response costs expended (and claimed) were not reasonable or not incurred consistent with the National Contingency Plan and ensure proper accounting by requiring offsets for funds owed to the Agency by claimants.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3885

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**RIN:** 2050-AE38

### 3549. CRITERIA FOR THE DESIGNATION OF HAZARDOUS SUBSTANCES UNDER CERCLA SECTION 102(A)

**Priority:** Other Significant**Legal Authority:** 42 USC 9602**CFR Citation:** 40 CFR 302.4**Legal Deadline:** None

**Abstract:** This action will address the development of evaluation criteria for the designation of substances as hazardous under CERCLA. It is necessary to develop evaluation criteria because the Agency has the authority under CERCLA 102(a) to designate substances as hazardous; however, the Agency does not have criteria to do so. To date the only substances designated as CERCLA hazardous substances are as a result of their appearance on other Acts' lists defined under CERCLA 101(14). Using CERCLA designation criteria the Agency may establish CERCLA hazardous substances independently from other Acts, in the interest of public health and the environment.

The purpose of this action is to have well thought-out criteria for designating hazardous substances that may be applied to individual substances for evaluation and decision as to whether or not the substance should be appropriately designated a CERCLA 102(a) hazardous substance. The Agency already has the authority to designate substances as hazardous; in this action, criteria will be developed to implement that authority.

**Timetable:**

Action	Date	FR Cite
ANPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4201

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**RIN:** 2050-AE63

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**Completed Actions**

**Comprehensive Environmental Response, Compensation and Liability Act**

**3550. GRANTS FOR TECHNICAL ASSISTANCE RULE REFORM—40 CFR PART 35 SUBPART M**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 35

**Completed:**

Reason	Date	FR Cite
Final Action	10/02/00	65 FR 58850

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Federal

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**RIN:** 2050-AE33

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**Proposed Rule Stage**

**Clean Water Act (CWA)**

**3551. EFFLUENT GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT INDUSTRY**

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

**Unfunded Mandates:** Undetermined

**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, March 31, 2002.

Final, Judicial, March 31, 2004.

**Abstract:** The effluent guidelines will apply to construction activities associated with new development, as well as to those associated with re-development activities. The regulations will address storm water runoff from construction sites during the active phase of construction, as well as post-construction runoff. Construction activity is a major source of sediment and other pollutants discharged to the nation's waters. Industries potentially affected by this rulemaking include land developers, home builders, builders of commercial and industrial property, and other private and public sector construction site owners and operators. EPA will develop design criteria for erosion and sediment controls and storm water best management practices (BMPs). These requirements will be implemented in NPDES storm water permits issued to construction site owners and operators.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4280

**Sectors Affected:** 23 Construction

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**RIN:** 2040-AD42

**3552. EFFLUENT GUIDELINES AND STANDARDS FOR THE MEAT PRODUCTS POINT SOURCE CATEGORY (REVISIONS)**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1361

**CFR Citation:** 40 CFR 432 (Revision)

**Legal Deadline:** NPRM, Judicial,

December 31, 2001. Final, Judicial, December 31, 2003.

**Abstract:** The Agency is revising effluent limitations guidelines and standards for the Meat Products Point Source Category. The current regulations, at 40 CFR 432, are more than 20 years old and are limited to a few conventional pollutants. Recent

concerns about nutrient discharges from these facilities might be resolved by additional effluent limitations. In particular, the current regulations do not address ammonia nitrogen for red meat slaughterhouses/packingshouses (Subparts A-D). Nutrients are a significant remaining water quality problem for impaired streams.

Revisions to the current regulations will also include effluent limitations for poultry processing, which is not currently covered by any effluent guideline.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4407

**Sectors Affected:** 311611 Animal (except Poultry) Slaughtering; 311612 Meat Processed from Carcasses; 311613 Rendering and Meat By-product Processing; 311615 Poultry Processing

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**RIN:** 2040-AD56

**3553. WATER QUALITY STANDARDS FOR ALABAMA—PHASE II**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1313 CWA 303

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

**CFR Citation:** 40 CFR 131

**Legal Deadline:** Final, Statutory, 90 days after NPRM.

**Abstract:** Under the CWA, States have primary authority in developing water quality standards for waters within their jurisdiction. EPA maintains oversight authority in that States must submit their water quality standards to EPA for review and approval or disapproval. If a State's water quality standards are not consistent with the requirements of the CWA and its supporting regulations, and are subsequently disapproved by EPA, the State must revise the disapproved water quality standards. If the State does not revise the disapproved water quality standards, the CWA authorizes the EPA Administrator to promulgate Federal water quality standards to supersede those disapproved provisions in the water quality standards. EPA is developing a proposed rule to determine the appropriate use designations for five waterbodies in Alabama that EPA disapproved in 1986 and 1991.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/02	
Final Action	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Additional Information:** SAN No. 4264

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**RIN:** 2040-AD35

**3554. 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 (Revision); 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:** Final, Statutory, 90 days after NPRM.

**Abstract:** EPA is 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; narrative water quality criteria for protecting the designated uses; numeric criteria for priority toxic pollutants for further 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 legally enforceable 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.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4344

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**RIN:** 2040-AD46

**3555. TEST PROCEDURES FOR THE ANALYSIS OF CRYPTOSPORIDIUM AND GIARDIA UNDER THE SAFE DRINKING WATER AND CLEAN WATER ACTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361 CWA 501(a); 42 USC 300(f) SDWA 1412; 42 USC 300(g)(1) SDWA 1413; 42 USC 300(g)(2) SDWA 1414; 42 USC 300(g)(3) SDWA 1415; 42 USC 300(g)(4) SDWA 1416; 42 USC 300(g)(5) SDWA 1445; 42 USC 300(j)(4) SDWA 1450; 42 USC 300(j)(9)

**CFR Citation:** 40 CFR 136; 40 CFR 141

**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 and the analytical methods under 40 CFR part 141 to approve EPA Method 1622 for the detection of Cryptosporidium and Giardia in ambient waters and finished drinking water by filtration of a 10-L sample in laboratory, separation of target organisms from other debris using immunomagnetic separation, and detection of the organisms using immunofluorescence assay and differential interference contrast microscopy and confirmation examination of the organisms using vital dye stains.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 4047

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## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

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 RIN: 2040-AD08

### 3556. TEST PROCEDURES FOR THE ANALYSIS OF E. COLI AND ENTEROCOCCI UNDER THE CLEAN WATER ACT

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(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 microbiological methods for monitoring ambient water. Ambient water contamination is determined by the presence of bacterial indicators. In 1986, EPA issued a revision to its bacteriological ambient water quality criteria recommendations to include new indicator bacteria, E. coli and enterococci. To support the ambient water quality criteria for bacteria, EPA is planning to promulgate several analytical methods for monitoring E. coli and enterococci in ambient water. This proposed regulation would approve test procedures to be available for use by testing laboratories.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	05/00/02	

#### Regulatory Flexibility Analysis

**Required:** No

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

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

**Additional Information:** SAN No. 4214

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 RIN: 2040-AD34

### 3557. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 2

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.  
**Unfunded Mandates:** Undetermined  
**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1316 CWA sec 306; 33 USC 1326 CWA sec 316; 33 USC 1361 CWA sec 501  
**CFR Citation:** 40 CFR 9, 122, 123, 124 and 125  
**Legal Deadline:** NPRM, Judicial, February 28, 2002. Final, Judicial, August 28, 2003.

**Abstract:** This rulemaking affects, at a minimum, existing electricity 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 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 screens. Entrainment occurs when aquatic organisms, eggs, and larvae are drawn into the cooling system, through the heat exchanger, and then pumped back out, often with significant injury or mortality to the entrained organisms.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** Undetermined

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

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

**Additional Information:** SAN No. 4474  
 Split from RIN 2040-AC34.

**Sectors Affected:** 21 Mining; 22111 Electric Power Generation; 22133 Steam and Air-Conditioning Supply; 311 Food Manufacturing; 3122 Tobacco 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-AD62

### 3558. NPDES STREAMLINING RULE — ROUND III

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1312 CWA sec 302; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1318 CWA sec 308; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 122; 40 CFR 123; 40 CFR 124

**Legal Deadline:** None

**Abstract:** On February 21, 1995, President Clinton issued a directive requesting that Federal agencies review their regulatory programs to eliminate any obsolete, ineffective, or unduly burdensome regulations. In response to that directive, EPA plans to issue several rulemaking packages to revise

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NPDES requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include adding additional permit modifications that can be considered minor modifications at 122.63, and changes to requirements concerning EPA's review of State permits. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities which implement the NPDES program or are regulated by it. This includes small businesses and State, tribal and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 3786

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**RIN:** 2040-AC84

### 3559. NPDES REQUIREMENTS FOR MUNICIPAL SANITARY SEWER COLLECTION SYSTEMS, MUNICIPAL SATELLITE COLLECTION SYSTEMS, AND SANITARY SEWER OVERFLOWS

**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 sec 301; 33 USC 1314 CWA sec 304; 33 USC 1318 CWA sec 308; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 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 reevaluation framework for sanitary sewer collection 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.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

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

**Additional Information:** SAN No. 3999

Note: This rule was formerly known as "Revisions to NPDES Requirements for Compliance Reporting and Collection System Discharges."

**Sectors Affected:** 22132 Sewage Treatment Facilities

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**RIN:** 2040-AD02

### 3560. RECOGNITION AWARDS UNDER THE CLEAN WATER ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 501(e); 33 USC 1361 (a) and (e)

**CFR Citation:** 40 CFR 105 (New)

**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency (EPA) is establishing a framework for the annual Clean Water Act (CWA) Recognition Awards known as the National Wastewater Management Excellence Awards Program. Section 501(e) of the CWA authorized the Administrator, on behalf of the U.S. Government, to recognize outstanding technological achievements or innovative processes, methods or devices in waste treatment and pollution abatement programs. The rule would establish regulations under which the recognition may be applied for and granted. The existing awards program recognizes innovative and outstanding achievements, processes, methods or devices in: Operations and Maintenance (O&M) of Publicly Owned Treatment Works (POTW); Biosolids Management (Biosolids); POTW Pretreatment Programs; Municipal and Industrial Storm Water (SW) Management; and Combined Sewer Overflows (CSO) Controls. These wastewater management programs can generally be characterized as waste treatment and/or pollution abatement programs. EPA may later establish, discontinue, combine or rename categories by guidance published in the Federal Register. Though the Agency has conducted an awards program for many years, the rulemaking action clearly acknowledges the basis for the program. EPA is formalizing the CWA Recognition Awards program using a direct final rulemaking because the agency does not expect adverse comments. Unless the Agency receives comments requiring a response during the public comment period associated with an identical companion proposed rule published elsewhere in the Federal Register on the same day, the formalized program would become effective without further notice.

**Timetable:**

Action	Date	FR Cite
NPRM Companion of Direct Final Rule	07/00/01	
Direct Final Rule	07/00/01	

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 4332

Note: This rule was formerly known as National Wastewater Management Excellence Awards Program.

**Sectors Affected:** 2213 Water, Sewage and Other Systems; 5622 Waste Treatment and Disposal**Agency Contact:** Maria Campbell, Environmental Protection Agency, Water, 4204M, Washington, DC 20460

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**RIN:** 2040-AD44**3561. OCEAN DISCHARGES CRITERIA REVISIONS****Priority:** Other Significant**Legal Authority:** 33 USC 1343 et seq**CFR Citation:** 40 CFR 125.121(a); 40 CFR 125.121(e); 40 CFR 125.122; 40 CFR 125.123; 40 CFR 125.124**Legal Deadline:** None

**Abstract:** EPA is proposing to modify the existing regulations implementing the ocean protection provisions of section 403 of the Clean Water Act. A key element of the proposed rule would provide for establishment of baseline water quality standards for ocean waters beyond three miles offshore. These waters, designated "Healthy Ocean Waters," would be protected by both a narrative statement of desired quality and pollutant-specific numeric criteria. The proposed rule also would strengthen the requirements for a permit to discharge to any ocean waters, and would establish a number of Special Ocean Sites (SOSs), which are areas within ocean waters that are of outstanding value, where new and significantly expanded discharges would be prohibited. The proposed rule will enhance the protection of the ocean environment and meet the goals of President Clinton's Executive Order on Marine Protected Areas (E.O. 13158).

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	
Final Action	07/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Tribal, Federal**Additional Information:** SAN No. 4446

**Sectors Affected:** 21111 Oil and Gas Extraction; 22132 Sewage Treatment Facilities; 221111 Hydroelectric Power Generation; 221112 Fossil Fuel Electric Power Generation; 42271 Petroleum Bulk Stations and Terminals; 325412 Pharmaceutical Preparation Manufacturing; 311711 Seafood Canning

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**RIN:** 2040-AD60**3562. CLEAN WATER ACT DEFINITION OF WATERS OF THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1361 CWA sec 501; 33 USC 1362 CWA sec 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 Part 300, Appendix E; 40 CFR 401.11(I)**Legal Deadline:** None

**Abstract:** 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 proposal would clarify the jurisdictional status under the Clean Water Act (CWA) of so-called "isolated" intrastate 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. Revision of the regulatory language is necessary to address the Court's decision, improve regulatory clarity, and provide more specificity regarding CWA jurisdiction.. 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. Significant impacts on small entities or state/local/tribal governments are not

anticipated, as the proposed regulatory revisions would be consistent with the Supreme Court ruling.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 2804**Agency Contact:** Donna Downing, Environmental Protection Agency, Water, 4502F, Washington, DC 20460

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**RIN:** 2040-AB74**3563. • 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 (SRF) Regulations to allow the use of the SRF as a match for infrastructure grants. In 1990, EPA issued regulations implementing the Clean Water State Revolving Fund (CW SRF) program, established as Title VI of the Clean Water Act (CWA) in 1987. Section 603(h) of the CWA prohibits use of the CW SRF 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, 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

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authorized by Title II of the CWA by the CW SRF would result in a significant decrease in the use of Federal grant funds for construction of treatment works. However, from FY 1995 onward, Congress has authorized and appropriated funds for infrastructure construction grants in various Appropriations Acts. At this time, there are over 700 projects totaling over \$3.3 billion dollars. In several cases, EPA has been asked to allow CW SRF funds to be used as a match for these grants; our regulation at 40 CFR 35.3125(b)(1) prohibits such action. However, upon reconsideration, EPA has decided its initial reading in 1990 was too broad, and the intent of Congress was only to prohibit use of CW SRF loans as match for Title II construction grants. This action will revise the regulations to allow a State, in its operation of its CW SRF, to provide a loan to non-Title II infrastructure construction grant projects as a non-federal match. The prohibition on the use of CW SRF as a match for a Title II construction grant will continue.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	
Direct Final Rule With Companion Proposal	09/00/01	

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

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

**Additional Information:** SAN No. 4493

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**RIN:** 2040-AD68

**3564. • TEST PROCEDURES FOR THE ANALYSIS OF MERCURY UNDER THE CLEAN WATER ACT (REVISIONS TO METHOD 1631)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1361(a); 76 Stat 816; PL 92-500; 91 Stat 1567; PL 95-217; 100 Stat 7; PL 100-4

**CFR Citation:** 40 CFR 136.3

**Legal Deadline:** NPRM, Judicial, September 30, 2001, Settlement agreement.

Final, Judicial, September 30, 2002, Settlement agreement.

**Abstract:** This proposal would amend Method 1631 to add new requirements for clean techniques and quality control (QC) beyond those specified in EPA Method 1631 for the determination of mercury at water quality criteria levels. EPA Method 1631 was promulgated at 40 CFR 136 in June 1999. Later that year, the Alliance of Automobile Manufacturers, the Chemical Manufacturers Association, and the Utility Water Act Group ("Petitioners") filed a petition for judicial review of the final rule. One of the issues in the petition related to the clean sampling techniques and QC requirements in the Method. As part of a Settlement Agreement in October 2000, EPA agreed to sign a Federal Register notice proposing additional clean techniques and QC requirements for Method 1631 by September 30, 2001, and to sign a final rule by September 30, 2002. EPA also plans to publish a correction notice on Method 1631 prior to proposal of the new clean techniques and QC requirements to clarify the use of field blank subtraction.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	
Final Action	09/00/02	

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

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

**Additional Information:** SAN No. 4541

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**RIN:** 2040-AD72

**3565. • PROPOSAL TO REVISE AND TO RATIFY OR WITHDRAW WHOLE EFFLUENT TOXICITY TEST METHODS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 95-217; 33 USC 1251 et seq

**CFR Citation:** 40 CFR 136.3

**Legal Deadline:** NPRM, Judicial, September 24, 2001, Settlement agreement.

Final, Judicial, September 24, 2002, Settlement agreement.

**Abstract:** This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 by revising several whole effluent toxicity (WET) test methods and by ratifying or withdrawing WET test methods listed in Table IA for use under the Clean Water Act. These methods were promulgated on October 16, 1995 (60 FR 53529). The proposed regulation is needed to satisfy the terms of two settlement agreements (entered into by EPA and Edison Electric Institute, et al., and Western Coalition of Arid States on July 24, 1998; and entered into by EPA and Lone Star Steel in January, 1997). This proposal will amend the 1995 rule by revising three WET method manuals, and by ratifying or withdrawing each of the WET test methods challenged in the settlement agreements from these three manuals. Specific revisions include: the requirement of blocking by parentage in Method 1002, the requirement for demonstration of valid concentration-response relationships, the inclusion of specific procedures to control pH drift, and the inclusion of procedures to reduce pathogenic interferences in Method 1000.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	
Final Action	09/00/02	

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

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

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

**Federalism:** Undetermined**Additional Information:** SAN No. 4514

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**RIN:** 2040-AD73

**3566. • REVISIONS TO THE  
NATIONAL OIL AND HAZARDOUS  
SUBSTANCES POLLUTION  
CONTINGENCY PLAN; SUBPART J  
PRODUCT SCHEDULE LISTING  
REQUIREMENTS**

**Priority:** Other Significant**Legal Authority:** CWA section 311(d)(2); 33 USC 1321(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 onto land and water.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 4526

**Sectors Affected:** 54 Professional, Scientific and Technical Services; 3259 Other Chemical Product Manufacturing; 325 Chemical Manufacturing; 3251 Basic Chemical Manufacturing

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**RIN:** 2050-AE87

**ENVIRONMENTAL PROTECTION AGENCY (EPA)  
Clean Water Act (CWA)**

## Final Rule Stage

**3567. EFFLUENT GUIDELINES AND  
STANDARDS FOR THE BLEACHED  
PAPERGRADE KRAFT  
SUBCATEGORY OF THE PULP,  
PAPER, AND PAPERBOARD  
CATEGORY; CERTIFICATION IN LIEU  
OF MONITORING FOR CHLOROFORM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1342 CWA sec 402; 33 USC 1318 CWA sec 308; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 430**Legal Deadline:** None

**Abstract:** This action is a follow-on to the already-promulgated Pulp and Paper Cluster Rules covering the Bleached Papergrade Kraft Subcategory (Subpart B). EPA is considering allowing Subpart B mills to certify process changes (specifically, elimination of elemental chlorine and hypochlorite) and operating conditions in lieu of minimum monitoring to demonstrate compliance with the effluent limitations for chloroform.

**Timetable:**

Action	Date	FR Cite
NPRM	04/15/98	63 FR 18796
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal**Additional Information:** SAN No. 4192

NPRM-  
<http://www.epa.gov/fedrgstr/EPA-WATER/1998/April/Day-15/w9615.htm>

**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills

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**RIN:** 2040-AD23

**3568. EFFLUENT GUIDELINES AND  
STANDARDS FOR THE COAL MINING  
POINT SOURCE CATEGORY  
(REVISIONS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1318 CWA sec 308; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 434

**Legal Deadline:** NPRM, Judicial, March 31, 2000.  
Final, Judicial, December 31, 2001.

**Abstract:** Coal mining discharges are covered by existing effluent guidelines at 40 CFR part 434. This new regulatory action will revise the existing regulations to address two new subcategories: Coal Remining and Western Alkaline Coal Mining. The existing regulations do not cover remining operations, which, when appropriately planned and regulated, will improve effluent quality from abandoned mine lands while reclaiming them and prevent disturbance of unexploited lands. Advances in treatment technologies and

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Best Management Practices pertinent to coal mines in the arid West show promise of being more protective of water quality.

**Timetable:**

Action	Date	FR Cite
NPRM	04/11/00	65 FR 19440
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4168

**Sectors Affected:** 21211 Coal Mining

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**RIN:** 2040-AD24

### 3569. TEST PROCEDURES FOR THE ANALYSIS OF MISCELLANEOUS METALS, ANIONS, AND VOLATILE ORGANICS UNDER THE CLEAN WATER ACT, PHASE ONE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new procedures for the analysis of miscellaneous metals, anions, and volatile organics under the Clean Water Act (CWA). These methods are used for implementing water quality based permits under the National Pollutant Discharge Elimination System (NPDES) of the CWA. This regulation would approve test procedures to be used in measuring this group of compounds under the NPDES Program unless the Regional Administrator approves an alternative procedure. EPA plans to segment the rulemaking into two phases to accommodate different amounts of data for the long list of compounds.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/95	60 FR 53988
Final Action	11/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 3155

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**RIN:** 2040-AC95

### 3570. TEST PROCEDURES: CLEAN WATER ACT AND SAFE DRINKING WATER ACT METHODS UPDATE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1361(a); PL 92-500 76 Stat. 816; PL 95-217 91 Stat. 1567; PL 100-4 100 Stat. 7; 42 USC 300 g-1; 42 USC 300f(1)(A); 42 USC 300f(1)(D); 42 USC 300j-4; 42 USC 300j-9(a)

**CFR Citation:** 40 CFR 136; 40 CFR 141; 40 CFR 143

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under 40 CFR part 136, National Primary Drinking Water Regulations under 40 CFR part 141, and National Secondary Drinking Water Regulations under 40 CFR part 143 to approve updated versions of analytical test procedures (methods) from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater and drinking water programs, as authorized under the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). This regulation would approve updated versions of methods for determination of chemical, radiological, and microbiological pollutants in wastewater and drinking water. The updates are to methods from voluntary consensus standards bodies (the American Society for Testing and Materials and Standard Methods) and from the U.S. Geological Survey and the Department of Energy. Previously approved versions of the methods being updated remain approved. Because the

changes should be noncontroversial, the amendments are being done through a direct final rule. A companion proposed rule will be published in case there are substantive adverse comments.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	01/16/01	66 FR 3466
Notice of Withdrawal	05/00/01	
Final Action	01/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4409

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**RIN:** 2040-AD59

### 3571. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT NEW FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 1

**Priority:** Other Significant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1316 CWA sec 306; 33 USC 1326 CWA sec 316; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 9, 122, 123, 124 and 125

**Legal Deadline:** NPRM, Judicial, July 20, 2000.

Final, Judicial, November 9, 2001.

**Abstract:** This rulemaking affects new facilities that use cooling water intake structures. 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

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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 screens. Entrainment occurs when aquatic organisms, eggs and larvae are drawn into the cooling system through the heat exchanger, and then pumped back out, often with significant injury or mortality to the entrained organisms.

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/00	65 FR 49059
Final Action	11/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Federal**Additional Information:** SAN No. 3444

**Sectors Affected:** 21 Mining; 22111 Electric Power Generation; 22133 Steam and Air-Conditioning Supply; 311 Food Manufacturing; 3122 Tobacco 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-AC34

**3572. STREAMLINING THE GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION****Priority:** Other Significant**Legal Authority:** 33 USC 1314 CWA sec 304; 33 USC 1317 CWA sec 307; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501**CFR Citation:** 40 CFR 403**Legal Deadline:** None

**Abstract:** The final rule will be promulgated as a program streamlining activity. The rule will revise certain provisions in the General Pretreatment Regulations (40 CFR part 403) that address restrictions on and oversight of industrial discharges into Publicly Owned Treatment Works (POTWs). The final rule will include exclusions or variable requirements for smaller facilities that contribute insignificant amounts of pollutants, clarify requirements for implementing Pretreatment Standards, and provide more flexible reporting, inspection and sampling requirements. The revisions should provide greater flexibility, reduce burden, and achieve improved environmental results at less cost for regulatory authorities and the regulated community.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/99	64 FR 39564
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 3663

NPRM-  
<http://www.epa.gov/fedrgstr/EPA-WATER/1999/July/Day-22/w17773.htm>

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RIN: 2040-AC58

**3573. COMPARISON OF DREDGED MATERIAL TO REFERENCE SEDIMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1344 CWA sec 404**CFR Citation:** 40 CFR 230**Legal Deadline:** None

**Abstract:** This action would revise the testing provisions of the Clean Water Act section 404(b)(1) Guidelines to provide for comparisons between dredged material proposed for discharge and reference sediment. Reference sediment would be defined as sediment that reflects conditions at the disposal site had no dredged material disposal ever occurred there. Because the disposal site itself is currently used as the point of comparison, this action would make a technical improvement in assessing cumulative impacts and help make dredged material testing under section 404 more consistent with that conducted for ocean disposal, which currently employs a reference sediment approach. This action is not expected to have a significant impact on state, local, or tribal governments or small business, as the action will be limited to Corps projects and permit applications for which dredged material testing is necessary, and because the effect of the action will be limited to changing the location of an otherwise collected sample.

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/95	60 FR 419
Final Action	09/00/01	

**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

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**3574. ROUND 2 STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE****Priority:** Other Significant**Legal Authority:** 33 USC 1345 CWA sec 405; 33 USC 1361(a) CWA sec 501(a)**CFR Citation:** 40 CFR 503 (Revisions)**Legal Deadline:** NPRM, Judicial, December 15, 1999.

Final, Judicial, December 15, 2001.

**Abstract:** Section 405 of the Clean Water Act (CWA) requires EPA to promulgate regulations providing guidelines for the use and disposal of sewage sludge. The rules, among other things, are to identify uses for sewage sludge, including disposal, and concentrations of pollutants which interfere with such use or disposal. The statute establishes a schedule for EPA to identify and regulate toxic pollutants in sewage sludge in two rounds: first with respect to those toxic pollutants for which information is available and subsequently, with respect to those toxic pollutants in sewage sludge not regulated in the first round which may adversely affect public health and the environment. The regulations must specify management practices, including numeric limits, for each such pollutant, for each use or disposal practice. EPA published the first round of sewage sludge regulations, pursuant to a court ordered schedule, in February 1993 (58 FR 9247) and proposed round two regulations in December 1999. EPA's round two proposal identified dioxins, dibenzofurans and coplanar polychlorinated biphenyls as the additional toxic pollutants in sewage sludge to be regulated for sewage sludge that is to be applied to the land. The consent decree requires EPA to take final action on proposed round two regulations by December 15, 2001.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/99	64 FR 72045
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 3488

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**RIN:** 2040-AC25**3575. • PROCEDURES FOR TRIBES TO OBTAIN APPROVAL FOR TREATMENT AS A STATE TO RECEIVE FUNDING FOR THE BEACHES PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 UCS 1375(a) et seq**CFR Citation:** 40 CFR 35; 40 CFR 130**Legal Deadline:** None

**Abstract:** This interim final rule will establish procedures under the Clean Water Act for EPA to treat Indian Tribes in substantially the same manner in which it treats states for purposes of obtaining financial assistance.

As part of the Beaches Environmental Assessment and Coastal Health Act of 2000, EPA is authorized to award grants to develop and implement monitoring and notification programs for coastal or Great lakes recreational waters. This rule will describe the requirements for Indian tribes to become eligible for grants.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Tribal**Additional Information:** SAN No. 4515

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**RIN:** 2040-AD69**3576. PRETREATMENT PROGRAM REINVENTION PILOT PROJECTS UNDER PROJECT XL****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** EPA is proposing changes to the National Pretreatment Program regulations to allow Publicly Owned Treatment Works (POTWs) that have completed the Project eXcellence and Leadership (Project XL) selection process, including Final Project Agreement (FPA) development, to modify their approved local Pretreatment Programs. These POTWs would be allowed to modify their programs following the procedures in 40 CFR 403.18, and implement the new local programs as described in their FPAs.

**Timetable:**

Action	Date	FR Cite
NPRM Pretreatment Program Reintervention Projects Under Project XL	10/06/00	65 FR 59791
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4476**Sectors Affected:** 22132 Sewage Treatment Facilities

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**RIN:** 2090-AA16

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Long-Term Actions

## Clean Water Act (CWA)

**3577. EFFLUENT GUIDELINES AND STANDARDS FOR THE METAL PRODUCTS AND MACHINERY CATEGORY, PHASES 1 AND 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 sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1317 CWA sec 308; 33 USC 1317 CWA sec 402; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 438

**Legal Deadline:** NPRM, Judicial, October 31, 2000. Final, Judicial, December 31, 2002.

**Abstract:** EPA is developing effluent limitations guidelines for facilities that generate wastewater while processing metal parts; metal products; and machinery, including manufacture, assembly, rebuilding, repair, and maintenance. A proposed rule in 1995 covered seven industrial groups: aircraft, aerospace, hardware, ordnance, stationary industrial equipment, mobile industrial equipment, and electronic equipment. EPA has consolidated this rulemaking with a second phase, and coverage will include additional industrial groups such as: bus and truck, household equipment, instruments, motor vehicles, office machines, precious metals and jewelry, railroads, job shops, printed circuit boards, and ships and boats. The deadlines and timetable apply to the consolidated Phase 1 and 2 rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM (Phase 1)	05/30/95	60 FR 28210
NPRM (Consolidated Phase 1 and 2)	01/03/01	66 FR 424
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 2806

For more information on Metal Products and Machinery on the Internet, please visit:

<http://www.epa.gov/ost/guide/mpm/index.html>

**Sectors Affected:** 335 Electrical Equipment, Appliance and Component Manufacturing; 336 Transportation Equipment Manufacturing; 337 Furniture and Related Product Manufacturing; 339 Miscellaneous Manufacturing; 332 Fabricated Metal Product Manufacturing; 333 Machinery Manufacturing; 334 Computer and Electronic Product Manufacturing

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**RIN:** 2040-AB79

**3578. EFFLUENT GUIDELINES AND STANDARDS FOR THE IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY (REVISIONS)**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1318 CWA sec 308; 33 USC 1342 CWA sec 402; 33 USC 1362 CWA sec 501

**CFR Citation:** 40 CFR 420

**Legal Deadline:** NPRM, Judicial, October 31, 2000. Final, Judicial, April 30, 2002.

**Abstract:** EPA is proposing to revise the effluent limitations guidelines and standards for the Iron and Steel Manufacturing Point Source Category to reflect significant industry changes related to consolidation and modernization within the U.S. steelmaking industry as well as advances in manufacturing technologies, in-process pollution prevention, water conservation practices, and end-of-pipe wastewater treatment.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/00	65 FR 81963
Final Action	04/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3833

**Sectors Affected:** 331111 Iron and Steel Mills; 3312 Steel Product Manufacturing from Purchased Steel; 3328 Coating, Engraving, Heat Treating and Allied Activities; 324199 All Other Petroleum and Coal Products Manufacturing

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**RIN:** 2040-AC90

**3579. EFFLUENT GUIDELINES AND STANDARDS FOR THE PULP, PAPER, AND PAPERBOARD CATEGORY, PHASE II**

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

**Unfunded Mandates:** Undetermined

**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 1318 CWA 402; 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 430

**Legal Deadline:** None

**Abstract:** EPA will consider revising the technology-based effluent limitations guidelines and standards for 8 of the 12 subcategories for this industrial category: Unbleached Kraft; Semi-Chemical; Mechanical Pulp; Non-Wood Chemical Pulp; Secondary Fiber Deink; Secondary Fiber Non-Deink; Fine and Lightweight Papers from Purchased Pulp; and Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp. EPA proposed guidelines and standards for these subcategories as part of the Pulp and Paper Rules (also known as the Cluster Rules) in December 1993. The Agency intends to develop these revised effluent limitations in close coordination with the Office of Air Quality Planning and Standards.

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**Timetable:**

Action	Date	FR Cite
NPRM	12/17/93	58 FR 66078
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Federal**Federalism:** Undetermined**Additional Information:** SAN No. 4050**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills**Agency Contact:** Don Anderson, Environmental Protection Agency, Water, 4303, Washington, DC 20460  
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**RIN:** 2040-AD10**3580. EFFLUENT GUIDELINES AND STANDARDS FOR FEEDLOTS POINT SOURCE CATEGORY, AND NPDES REGULATION FOR CONCENTRATED ANIMAL FEEDING OPERATIONS****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 sec 301; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1317 CWA sec 307; 33 USC 1318 CWA sec 308; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501**CFR Citation:** 40 CFR 412; 40 CFR 122.23**Legal Deadline:** NPRM, Judicial, December 15, 2000.  
Final, Judicial, December 15, 2002.**Abstract:** Feedlot operations are covered by existing effluent guidelines at 40 CFR 412 and concentrated animal feeding operations (CAFOs) are covered by permitting regulations at 40 CFR 122.23. This action will revise the existing effluent guidelines to address swine, poultry, beef, and dairy cattle operations and the NPDES regulation for concentrated animal feeding operations. The existing regulations, which require the largest confined animal feeding operations to achieve zero discharge of wastes to surface waters except for certain storm related discharges, have not been sufficient to

resolve water quality impairment from feedlot operations. Feedlot operations are substantial contributors of nutrients in surface waters that have severe anoxia (low levels of dissolved oxygen) and problem algae blooms.

**Timetable:**

Action	Date	FR Cite
NPRM	01/12/01	66 FR 2959
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** SAN No. 4153**Sectors Affected:** 11221 Hog and Pig Farming; 11232 Broilers and Other Meat Type Chicken Production; 11231 Chicken Egg Production; 112112 Cattle Feedlots; 11212 Dairy Cattle and Milk Production; 11241 Sheep Farming; 11233 Turkey Production; 11292 Horse and Other Equine Production; 11239 Other Poultry Production**Agency Contact:** Jan Goodwin, Environmental Protection Agency, Water, 4303, Washington, DC 20460  
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Phone: 202 564-0734  
Email: metchis.karen@epa.gov**RIN:** 2040-AD19**3581. EFFLUENT GUIDELINES AND STANDARDS FOR THE DISSOLVING KRAFT AND DISSOLVING SULFITE SUBCATEGORIES OF THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY (PHASE III)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1342; 33 USC 1361**CFR Citation:** 40 CFR 430.10 to 430.18; 40 CFR 430.40 to 430.48**Legal Deadline:** None**Abstract:** On December 17, 1993, EPA proposed revised effluent limitations, guidelines and standards and best management practices regulations for the Dissolving Kraft and Dissolving Sulfite Subcategories of the Pulp,

Paper, and Paperboard Point Source Category (40 CFR Part 430). This action, which OW refers to as Phase III of the Cluster Rules, will respond to comments and reflect new data. There are five domestic mills in these two subcategories. The final rule is anticipated to set limits for adsorbable organic halides (AOX), chemical oxygen demand (COD), chloroform, dioxin, furan, and 12 specific chlorinated phenolics.

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/93	58 FR 66078
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 4370**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills**Agency Contact:** Don Anderson, Environmental Protection Agency, Water, 4303, Washington, DC 20460  
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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

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## Long-Term Actions

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 station, nutrients, and pathogens as the major cause of water quality impairment. With the growth of the aquaculture industry, and inconsistent state regulatory oversight, EPA will examine available technologies for the control of pollutants, primarily nutrients. This action was formerly titled "Aquaculture."

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4406

**Sectors Affected:** 112511 Finfish Farming and Fish Hatcheries; 112512 Shellfish Farming

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**RIN:** 2040-AD55

### 3583. EFFLUENT GUIDELINES AND STANDARDS FOR THE INDUSTRIAL CONTAINER AND DRUM CLEANING POINT SOURCE CATEGORY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 1311 et seq

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Industrial facilities that clean out 55 gallon drums and other industrial sized containers are not

currently subject to nationally applicable wastewater treatment standards. Many types of toxic and hazardous materials, including pesticides, solvents, and petrochemical products are transported in bulk via drums and containers. Most of these containers have a residue, or heel, present in the containers before they are cleaned. The accumulation of residue from large numbers of drums and containers may result in the discharge of pollutants to the nations waterways.

This regulation will cover those facilities that clean out drums and industrial sized containers as a business, and will generally not cover industrial facilities that clean out their own drums and containers used on site.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4408

**Sectors Affected:** 562998 All Other Miscellaneous Waste Management Services

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**RIN:** 2040-AD57

### 3584. WATER QUALITY STANDARDS REGULATION — REVISION

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1313 CWA sec 303(c)

**CFR Citation:** 40 CFR 131

**Legal Deadline:** None

**Abstract:** Water quality standards set by States and Indian tribes establish the water quality goals for surface waters of the U.S. and the means by which attainment of these goals will be measured and assured. They are the foundation for protecting water quality and related public health and welfare and the ecological health of the nation's waters. The Federal water quality standards regulation at 40 CFR Part 131 governs the development, review and revision of water quality standards under section 303(c) of the Clean Water Act by States and Indian Tribes, and the review and approval of water quality standards by EPA. Based upon the Federal, State, Tribal and local experience gained in the program over the last 20 years, EPA's proposed revisions to 40 CFR 131 are intended to strengthen the water quality standards regulation thus enhancing water quality management on a watershed basis, and focusing Federal, State and Tribal resources on the areas of greatest concern. Program areas identified for revision include mixing zone policies and procedures.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/07/98	63 FR 36741
NPRM	07/00/02	
Final Action	07/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 3662

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**RIN:** 2040-AC56

## EPA—Clean Water Act (CWA)

## Long-Term Actions

**3585. 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, approval of new EPA test procedures is necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3702

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**RIN:** 2040-AC75

**3586. INCREASED METHOD FLEXIBILITY FOR TEST PROCEDURES APPROVED FOR CLEAN WATER ACT COMPLIANCE MONITORING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304 (h); 33 USC 1361(a) CWA 501 (a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would highlight the flexibility already contained in the 600 and 1600 series of EPA Methods that are currently approved for Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. These methods typically contain a statement that, in recognition of advances that are occurring in analytical technology, and to allow the analyst to overcome sample matrix interferences, the analyst is permitted certain options to improve separations or lower the costs of measurements. These options include alternate extraction, concentration, cleanup procedures, and changes in columns and detectors. The methods further require the analyst to demonstrate that the method modifications will not adversely affect the quality of data by generating quality control results that meet the specifications contained in the method. Despite this stated flexibility, the Agency has found that many NPDES and pretreatment permitting authorities are not aware of this flexibility when issuing or enforcing NPDES and pretreatment permits. Therefore, this regulatory action will highlight the existing method flexibility and clarify EPA's position regarding its application. This action will also extend this flexibility to other methods currently approved under 40 CFR part 136. The purpose of extending this flexibility to other methods is to (1) increase consistency between methods, (2) provide for increased recognition of advances in analytical technology, and (3) reduce costs associated with analytical measurements.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 3714

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**RIN:** 2040-AC92

**3587. PERFORMANCE-BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would establish the use of performance-based measurement procedures and guidance for use in Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would include guidance concerning the format, content, quality assurance/quality control, and data validation requirements for use of test methods. This regulatory action would also describe increased program guidance in the form of a clearinghouse, technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test methods approved for use in the program.

**Timetable:**

Action	Date	FR Cite
NPRM	03/28/97	62 FR 14975
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 3713

NPRM-

<http://www.epa.gov/fedrgstr/EPA->

## EPA—Clean Water Act (CWA)

## Long-Term Actions

WATER/1997/March/Day-28/w7221.htm

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**RIN:** 2040—AC93

**3588. 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 1251 et seq CWA 304(h); 33 USC 1314(h) CWA 501(a); 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	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 4049

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**RIN:** 2040—AD09

**3589. TEST PROCEDURES FOR THE ANALYSIS OF MISCELLANEOUS METALS, ANIONS, AND VOLATILE ORGANICS UNDER THE CLEAN WATER ACT, PHASE TWO**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new procedures for the analysis of miscellaneous metals, anions, and volatile organics under the Clean Water Act (CWA). These methods are used for implementing water quality based permits under the National Pollutant Discharge Elimination System (NPDES) of the CWA. This regulation would approve test procedures to be used in measuring this group of compounds under the NPDES unless the Regional Administrator approves an alternative procedure. This rulemaking would constitute the second of two segments of rulemaking initially proposed as one action.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/95	60 FR 53988
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 4089

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**RIN:** 2040—AD12

**3590. TEST PROCEDURES FOR THE ANALYSIS OF MERCURY UNDER THE CLEAN WATER ACT (METHOD 245.7)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1361(a); PL 92-500 76 Stat. 816; PL 95-217 91 Stat. 1567; PL 100-4 100 Stat. 7

**CFR Citation:** 40 CFR 136.3(IB)

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under 40 CFR part 136 to approve a new analytical test procedure (method) for the determination of mercury in the wastewater program as authorized under the Clean Water Act (CWA). This new test procedure is capable of measuring mercury at low parts-per-trillion (ppt; ng/L) concentrations and would be an alternative to the recently promulgated Method 1631, which also determines mercury at low ppt concentrations.

Method 245.7 uses similar technology to Method 1631 (cold vapor atomic fluorescence spectrometry), but it does not require the use of a gold trap. Laboratories claim that Method 245.7 is a less burdensome and more cost-effective method than Method 1631.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4377

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## EPA—Clean Water Act (CWA)

## Long-Term Actions

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RIN: 2040-AD52

### 3591. REVISIONS TO METHOD DETECTION AND QUANTIFICATION FOR USE UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1361(a); 42 USC 300f

**CFR Citation:** 40 CFR 136(b)

**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 revisions to the detection and quantification procedures currently used by EPA for those analytes regulated in the wastewater program as authorized under the Clean Water Act (CWA) and in the drinking water program under the Safe Drinking Water Act (SDWA). The current method detection limit (MDL) procedure is set forth at 40 CFR part 136, appendix B. EPA's Office of Water has not promulgated a generic procedure for quantification but it uses the minimum level of quantitation (ML) in its wastewater program and the practical quantitation level (PQL) in its drinking water program. The ML is defined in analytical methods and is generally set at 3.18 times the MDL. The PQL is generally set at five to ten times the MDL. The Office of Water has been working to revise and refine these concepts in response to the need to regulate pollutants at low levels (often levels that are lower than measurement capabilities will allow) and to address other potential approaches to detection and quantification, including concepts being introduced by outside organizations such as voluntary consensus standards bodies (VCSBs). The rulemaking would also address criticisms to the current MDL and quantification approaches which have been raised by outside organizations. Additionally, EPA will consider whether other approaches from VCSBs are acceptable for EPA's regulatory needs.

#### Timetable:

Action	Date	FR Cite
NPRM	02/00/03	
Final Action	09/00/04	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4378

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RIN: 2040-AD53

### 3592. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES - PHASE II

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1322; 33 USC 1361

**CFR Citation:** 40 CFR 1700

**Legal Deadline:** Final, Statutory, May 10, 2001.

**Abstract:** This action is phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996 the Clean Water Act was amended to create section 312(n), "Uniform National Discharge Standards for Vessels of the Armed Forces." Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design and build environmentally sound vessels, to encourage innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of

these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as fire main); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish performance standards for control devices for these 25 discharges. Once DOD implements rules for achieving the standards set in phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

#### Timetable:

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

#### 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

### 3593. • MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1316 CWA sec 306; 33 USC 1326 CWA sec 316; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 9, 122, 123, 124 and 125

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

Final, Judicial, December 15, 2004.

**Abstract:** This rulemaking affects, at a minimum, existing facilities that use cooling water intake structures, and whose intake flow levels exceed a

EPA—Clean Water Act (CWA)

Long-Term Actions

minimum threshold EPA will determine during this rulemaking. The affected facilities include 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; and 5) primary metals manufacturing 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	FR Cite
NPRM	06/00/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

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

**Additional Information:** SAN No. 4543  
Split from RIN 2040-AC34.

**Sectors Affected:** 21 Mining; 22111 Electric Power Generation; 22133 Steam and Air-Conditioning Supply; 311 Food Manufacturing; 3122 Tobacco 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

**3594. REVISION OF NPDES INDUSTRIAL PERMIT APPLICATION REQUIREMENTS AND FORM 2C— WASTEWATER DISCHARGE INFORMATION**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311 CWA 301; 33 USC 1314 CWA 304; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 122.21(e)

**Legal Deadline:** None

**Abstract:** All existing manufacturing, commercial, mining, and silvicultural operations requiring a National Pollutant Discharge Elimination System (NPDES) permit must submit an application in order to obtain a permit. The existing industrial application form has not been revised since 1984 and needs to be updated to reflect statutory and related regulatory changes in the NPDES and water quality standards program. The purpose of this action would be to revise and consolidate existing application forms and requirements for industries, and to streamline the permit application process for these facilities. The Agency seeks to establish a unified process that minimizes the need for additional information from applicants while providing permit writers the necessary information, including toxics data, to ensure that permits adequately address concerns of permittees and environmental protection. The Agency will seek to allow the use of existing data to the extent possible and to avoid unnecessary reporting. The Agency is

also considering how to utilize electronic data submission. Although these forms will increase the burden on permittees not already required to provide these data, many other permittees are already required to submit the data. The Agency is reviewing ways to minimize the need for information from small dischargers, including tribal facilities. EPA will also seek to minimize and reduce the burden on States through improvements to the application forms.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3234

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**RIN:** 2040-AC26

**3595. REVISION TO CLEAN WATER ACT REGULATORY DEFINITION OF "FILL MATERIAL"**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1344

**CFR Citation:** 33 CFR 323.2(e); 40 CFR 232.2

**Legal Deadline:** None

**Abstract:** Section 404 of the Clean Water Act requires a permit from the US Army Corps of Engineers (Corps) for discharges of dredged or fill material to waters of the United States. The Environmental Protection Agency (EPA) and Corps' regulations implementing section 404 currently contain differing definitions of the term "fill material." In particular, the Corps regulations define fill material as being used "for the primary purpose of" replacing an aquatic area with dry land or changing the bottom elevation of a waterbody. In contrast, EPA's definition of fill material looks to whether the effect is to replace waters of the United States with dry land or change the

## EPA—Clean Water Act (CWA)

## Long-Term Actions

bottom elevation of waterbodies, and does not contain a “primary purpose” test as found in the Corps regulations. In order to clarify what constitutes “fill material” for purposes of section 404 and provide improved regulatory certainty, the Corps and EPA are conducting notice and comment rulemaking to achieve greater consistency between the two agencies’ definitions of “fill material.”

**Timetable:**

Action	Date	FR Cite
NPRM	04/20/00	65 FR 21292
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 4375

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**RIN:** 2040-AD51

**3596. • 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 1251 et seq; 33 USC 1314(h); 33 USC 1361(a); 76 Stat 816; PL 92-500; 91 Stat 1567; PL 95-217; 100 Stat 7; PL 100-4

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the “Guidelines Establishing Test Procedures for the Analysis of Pollutants” under 40 CFR parts 136 and 141 to approve new and updated EPA methods for wastewater, ambient water quality, and drinking water, including new and updated versions of methods from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater, ambient water quality and/or drinking water programs, as authorized under the Clean Water Act (CWA) and Safe Drinking Water Act. This regulation would propose new methods for metals such as Method 1638 (which utilizes ICP/MS), new methods for chemical pollutants (e.g., Method 245.7), and updated methods

for chemical and biological pollutants (e.g., Methods 625 and 1625), including methods from voluntary consensus standards bodies (VCSBs), and from other external organizations. The new and updated methods include methods from organizations such as the American Society for Testing and Materials (ASTM), Standard Methods, Association of Official Analytical Methods-International, and U.S. Geological Survey.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4540

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**RIN:** 2040-AD71

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Completed Actions

## Clean Water Act (CWA)

**3597. EFFLUENT GUIDELINES AND STANDARDS FOR THE CENTRALIZED WASTE TREATMENT INDUSTRY**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 437

**Completed:**

Reason	Date	FR Cite
Final Action	12/22/00	65 FR 81241

**Regulatory Flexibility Analysis Required:** Yes

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

**Sectors Affected:** 562219 Other Nonhazardous Waste Treatment and Disposal

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**RIN:** 2040-AB78

**3598. REFORMATTING OF EFFLUENT GUIDELINES AND STANDARDS IN 40 CFR PARTS 401 THROUGH 471**

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

**CFR Citation:** 40 CFR 405 to 471 (Revision)

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/23/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 2040-AC79

## EPA—Clean Water Act (CWA)

## Completed Actions

**3599. EFFLUENT GUIDELINES AND STANDARDS FOR SYNTHETIC-BASED DRILLING FLUIDS IN THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY (REVISIONS)****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 435**Completed:**

Reason	Date	FR Cite
Final Action	01/22/01	66 FR 6849

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Federal**Sectors Affected:** 21111 Oil and Gas Extraction

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**RIN:** 2040-AD14**3600. EFFLUENT GUIDELINES AND STANDARDS FOR THE ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS CATEGORY (COMPLETION OF A SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 610**CFR Citation:** 40 CFR 414**Legal Deadline:** None

**Abstract:** In November 1987, EPA established effluent limitations guidelines and standards for the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) industrial category (52 FR 42522, November 5, 1987), under the authority of sections 301, 304, 306, 307, 308, 402, and 501 of the Clean Water Act. In 1993, EPA issued amendments to the final rule (58 FR 36872, July 9, 1993) to respond to the U.S. Fifth Circuit Court of Appeals' remand decisions on the OCPSF regulation. The 1993 amendments resulted in little change to the number or extent of small business impacts. The 1987 final rule incorporated special provisions (i.e., less stringent regulations) to minimize the economic impact for a subset of small plants, and the 1993 amendments maintained those

provisions. EPA conducted a regulatory flexibility analysis for the final rule and concluded (for the 1987 rulemaking and again for the 1993 amendments) that the effluent limitations are economically achievable for the industry as a whole, although some small businesses would experience a significant economic impact. The analysis estimated impacts in terms of plant and product line closures and profit and sales impacts. As reported in the 1993 amendments, EPA projected the following small business impacts: for direct dischargers, EPA projected significant impacts for 77 percent of the small plants; for indirect dischargers, EPA projected significant impacts for 63 percent of the small plants.

In the November 22, 1999 Regulatory Agenda, we indicated that we would perform a review of this rule in accordance with section 610 of the Regulatory Flexibility Act. We are now announcing completion of that review and our decisions based on that review. We have concluded that this rule should remain in effect with no modification. Our analysis confirmed that effluent limitations for the OCPSF industry are a necessary component of the comprehensive program to restore and maintain the quality of our Nation's waters. In particular, the OCPSF rule contributes significantly to pollutant reductions, accounting for reductions of more than 100 million pounds per year. The Agency's Toxic Release Inventory indicates that releases from OCPSF facilities to surface waters and to POTWs remain an environmental concern, and that the effluent limitations should remain in place. Our analysis yielded no reasons to amend or rescind the rule due to need, complexity, or overlap with other rules. This conclusion is based on the lack of adverse comments, or any expressed need for a rule change from the major stakeholders, including the permitting authorities and the regulated community. Our analysis also included a review of the industry's technology changes and economic conditions. We did not identify innovations or other process changes that would significantly

**Timetable:**

Action	Date	FR Cite
Final Action	11/05/87	52 FR 42522
Begin Review	11/22/99	64 FR 65140

Action	Date	FR Cite
End Review - Decision To Leave Rule Unchanged at This Time	02/15/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4364

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**RIN:** 2040-AD45

**3601. WATER QUALITY STANDARDS FOR ALABAMA—PHASE I****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 131**Completed:**

Reason	Date	FR Cite
Withdrawn - No Further Action Required	04/23/01	

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

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**RIN:** 2040-AD25**3602. AMEND THE FINAL WATER QUALITY GUIDANCE FOR THE GREAT LAKES SYSTEM TO PROHIBIT MIXING ZONES FOR BIOACCUMULATIVE CHEMICALS OF CONCERN****Priority:** Other Significant**CFR Citation:** 40 CFR 132**Completed:**

Reason	Date	FR Cite
Final Action	11/13/00	65 FR 67638

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Mark Morris

## EPA—Clean Water Act (CWA)

## Completed Actions

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RIN: 2040-AD32

**3603. PROMULGATION OF PROVISIONS IN THE FINAL WATER QUALITY GUIDANCE FOR THE GREAT LAKES SYSTEM FOR WATERS WITHIN THE GREAT LAKES BASIN**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 132

**Completed:**

Reason	Date	FR Cite
Final Action - New York	10/06/00	65 FR 59732
Final Action - Wisconsin	11/06/00	65 FR 66502
No Further Action Will Be Taken	04/01/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Federal

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RIN: 2040-AD66

**3604. FURTHER REVISIONS TO CLEAN WATER ACT DEFINITION OF DISCHARGE OF DREDGED MATERIAL**

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 323.2(d); 40 CFR 232.2

**Completed:**

Reason	Date	FR Cite
Final Action	01/17/01	66 FR 4549

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Federal

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RIN: 2040-AD41

**3605. ROUND I SEWAGE SLUDGE USE OR DISPOSAL RULE — PHASE TWO AMENDMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 503 (Revision)

**Completed:**

Reason	Date	FR Cite
Withdrawn - No Further Action Planned	04/23/01	

**Regulatory Flexibility Analysis Required:** No

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

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RIN: 2040-AC53

**3606. SITE-SPECIFIC RULE UNDER XL TO GRANT WAIVER FROM BMP REGULATIONS UNDER CWA CLUSTER RULES**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 430

**Completed:**

Reason	Date	FR Cite
Final Action	07/27/00	65 FR 46104

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills

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RIN: 2090-AA12

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Prerule Stage

## Safe Drinking Water Act (SDWA)

**3607. USE OF SCREENING METHODS FOR COMPLIANCE MONITORING OF DRINKING WATER CONTAMINANTS**

Priority: Substantive, Nonsignificant

**Legal Authority:** 42 USC 300f SDWA 1401; 42 USC 300(g)(1) SDWA 1412; 42 USC 300(j)(4) SDWA 1445

**CFR Citation:** 40 CFR 141; 40 CFR 143

**Legal Deadline:** None

**Abstract:** The 1996 Safe Drinking Water Act (SDWA) Amendments require EPA to review new analytical methods that may be used for regulated contaminants screening or analysis, including screening methods. After this review, EPA may approve such methods that are deemed more accurate or cost-effective than established

reference methods for use in compliance monitoring or the monitoring of unregulated contaminants. In this advanced notice of proposed rulemaking, EPA announces its intention to integrate the use of screening methods in the overall scheme of drinking water compliance monitoring. Efforts will be made to keep the proposal consistent with the Office of Water plan for Performance Based Methods (PBMS). EPA will identify regulated contaminants, types of monitoring and specific areas within each monitoring framework which are amenable to the use of screening methods. A logical application of screening procedures would be in a tiered monitoring mode where Tier 1 (screening phase) would identify the

principal problem areas while Tier 2 would use sampling and analysis to more carefully identify and quantify specific contaminants. EPA would identify specific screening methods which are available for use based on their performance characteristics, tolerance to sample interferences, validation for drinking water analysis and correlation of results with traditional instrumental methods. The use of screening methods is expected to make drinking water compliance monitoring cheaper and faster, and provide flexibility to the Public Water Systems in the choice of analytical methods. Laboratory acceptance limits and other method performance requirements that were specified under previous rules will not be changed in

## EPA—Safe Drinking Water Act (SDWA)

Prerule Stage

this rule making. The final action would only add new analytical methods and/or analytical approaches and would not withdraw or modify previously approved methods.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/01	
NPRM	07/00/02	
Final Action	07/00/03	

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

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

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

**Additional Information:** SAN No. 4212

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD31

**3608. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 300f et seq; SDWA 1412

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/00/01	
NPRM	08/00/03	
Final Rule	08/00/04	

**Regulatory Flexibility Analysis****Required:** Undetermined

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3238

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC13

**3609. DRINKING WATER: REGULATORY DETERMINATIONS REGARDING CONTAMINANTS ON THE DRINKING WATER CONTAMINANT CANDIDATE LIST**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300f et seq; SDWA 1412(b)(1)(B)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Other, Statutory, August 6, 2001, Final Regulatory Determination.

**Abstract:** The 1996 amendments to the Safe Drinking Water Act (SDWA) requires EPA to publish a list of non-regulated contaminants every five years, which may warrant regulation due to their health effects and their potential for occurrence in public water systems (PWSs). The first list, called the Contaminant Candidate List (CCL), was published in the Federal Register on March 2, 1998 (63 FR 10274). When establishing the 1998 CCL, EPA divided the contaminants among three main categories: 1) contaminants which are priorities for additional research; 2)

contaminants which need additional occurrence data; and 3) contaminants which are priorities for consideration for rulemaking. These contaminants are collectively referred to as the Regulatory Determination Priority contaminants.

In addition to publishing the drinking water CCL, the SDWA also requires the Agency to select five or more contaminants from the CCL and determine, by August 2001, whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). The Regulatory Determination Priority category is the list of contaminants from which the Agency will determine whether or not regulations are necessary. There are currently 12 contaminants on the 1998 CCL that have been characterized as having sufficient scientific information to make regulatory determinations by August 2001: Acanthamoeba; Aldrin; Boron; 1,3-dichloropropene; Dieldrin; Hexachlorobutadiene; Manganese; Metolachlor; Metribuzin; Naphthalene; Sodium; and Sulfate.

In order make a decision whether or not to develop a NPDWR for a contaminant, the SDWA requires three statutory tests be met: 1) the contaminant may have an adverse effect on the health of persons; 2) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and 3) in the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.

Using these three statutory tests to make regulatory decisions, there are three possible outcomes: 1) regulate the contaminant with a NPDWR; 2) develop guidance (e.g. Health or Consumer Advisory); or 3) determine no regulatory action is necessary.

Once a regulatory decision is made, the contaminant is removed from the CCL.

**Timetable:**

Action	Date	FR Cite
Notice	04/00/01	
Notice of Final Regulatory Determinations	08/00/01	

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

## EPA—Safe Drinking Water Act (SDWA)

Prerule Stage

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4447

SDWA requires a final determination of whether or not NPDWR(s) are necessary for no less than 5 contaminants on the CCL.

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD61**3610. 6-YEAR REVIEW OF EXISTING NATIONAL PRIMARY DRINKING WATER REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 300f et seq**CFR Citation:** 40 CFR 141; 40 CFR 142**Legal Deadline:** 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 regulatory 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 the chemical contaminants (with the exception of arsenic which is being revised and atrazine and copper which are being reviewed on accelerated schedules). 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 rulemaking schedule for the regulations the Agency intends to revise. EPA may decide that any of the following need to be revised: maximum contaminant level goals,

maximum contaminant levels, analytical methods, monitoring, treatment, recordkeeping and reporting requirements. EPA plans extensive stakeholder outreach and consultation in the development of the protocol and throughout the review process.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/01	
Notice of Final Decision	08/00/02	

**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)

Proposed Rule Stage

## Safe Drinking Water Act (SDWA)

**3611. 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:** 40 USC 300g-1(b); SDWA 1412(b); 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. EPA is required to promulgate the Stage 2 DBPR by May, 2002, under the 1996 Safe Drinking Water Act amendments. 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

## EPA—Safe Drinking Water Act (SDWA)

## Proposed Rule Stage

30, 1999 EPA established a committee of stakeholders under the Federal Advisory Committee Act (FACA) to assist in the development of these rules. The FACA committee made recommendations on rule options to EPA in September 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

**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

**3612. NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE 2 DISINFECTANTS/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:** 40 USC 300g-1(b); SDWA 1412(b); 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, May 31, 2002.

**Abstract:** The 1996 Safe Drinking Water Act Amendments require EPA to promulgate a Stage 2 Disinfectants/Disinfection Byproducts Rule (Stage 2 DBPR) by May, 2002. EPA plans to propose this rule in 2001. The 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. The FACA made recommendations on rule options to EPA in September, 2000.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/01	
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

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

**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

**3613. REGULATED DRINKING WATER CONTAMINANT OCCURRENCE REPORTING**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 300f; 42 USC 300g-1 to 42 USC 300g-6; 42 USC 300j-4; 42 USC 300j-9; 42 USC 300j-11

**CFR Citation:** 40 CFR 142.15

**Legal Deadline:** None

**Abstract:** The Office of Water will revise the National Primary Drinking Water Regulations to require public water systems and States to report regulated drinking water contaminant occurrence level data to EPA. At present, States only report violation data for the purpose of compliance tracking, as concentrations that exceed the Maximum Contaminant Level. The data will be compared to health effects levels and used to compare occurrence frequency with monitoring requirements. The results of these analyses may be used to modify existing regulations during the statutorily required 6-year regulatory review cycle.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	
Final Action	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

## EPA—Safe Drinking Water Act (SDWA)

## Proposed Rule Stage

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4369

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD48

**3614. 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 (RFG) and Oxyfuels programs required by the Clean Air Act Amendments of 1990. Although the use of MTBE in gasoline has helped to reduce harmful air emissions, it is being detected in ground water and surface water throughout the country. In some instances the affected waters are drinking water sources. At relatively low levels, MTBE's taste and odor can make drinking water supplies unacceptable to consumers. In this

action, EPA is proposing a secondary standard for MTBE, which will provide control levels for taste and odor acceptability and to protect the public welfare.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/01	
Final Action	08/00/02	

**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

**3615. UNDERGROUND INJECTION CONTROL CLASS V PHASE 2 REVISIONS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 300(h); Safe Drinking Water Act 1421 to 1425

**CFR Citation:** 40 CFR 144 to 147

**Legal Deadline:** NPRM, Judicial, April 30, 2001.  
Final, Judicial, May 31, 2002.

**Abstract:** The Safe Drinking Water Act (SDWA) requires EPA to protect current and future underground sources of drinking water (USDWs) from the endangerment posed by Class V underground injection control (UIC)

wells. Class V UIC wells are typically shallow waste disposal systems that are diverse in purpose, design, geographic distribution, the nature of the fluids injected, and endangerment potential. In accordance with the judicial deadlines in a consent agreement, EPA finalized specific regulations addressing two types of high risk UIC Class V injection wells (motor vehicle waste disposal wells and large-capacity cesspools) in December 1999. That regulatory action is informally referred to as the UIC Class V Phase 1 Rule. Also, in accordance with the consent agreement, EPA must evaluate all other Class V well types and determine if additional specific requirements are necessary to protect USDWs and if so, finalize the appropriate requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4451

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**RIN:** 2040-AD63

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

## Final Rule Stage

## Safe Drinking Water Act (SDWA)

**3616. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON**

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

**Unfunded Mandates:** This action may affect State, local or tribal governments.

**Legal Authority:** 42 USC 300f et seq; SDWA 1412

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** NPRM, Statutory, August 6, 1999.  
Final, Statutory, November 2, 2000.  
Other, Statutory, February 6, 1999, Publish radon health risk reduction and cost analysis.

**Abstract:** EPA proposed new regulations for radon in drinking water which will provide states flexibility in how to manage the health risks from

radon, in both drinking water and in indoor air. States 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. Breathing indoor radon in homes is the primary public health risk from radon, contributing to about 15,000-22,000 lung cancer deaths each year in the

## EPA—Safe Drinking Water Act (SDWA)

## Final Rule Stage

United States, according to a landmark report this year by the National Academy of Sciences. That makes radon in indoor air the second leading cause of lung cancer in the United States. Based on a second NAS report, EPA estimates that radon in drinking water causes about 168 cancer deaths per year, of which about 89 percent are lung cancer from breathing radon released from water. The remaining 11 percent of the risk is for stomach cancer from drinking radon-containing water.

The proposal is based on the unique framework outlined in the 1996 Safe Drinking Water Act (SDWA). The proposed new regulation will provide two options to states and water systems for reducing public health risks from radon. Under the first option, states can choose to develop enhanced state programs to address the health risks from indoor radon while water systems reduce radon levels in drinking water to at or below the higher, alternative maximum contaminant level MCL proposed at 4,000 pCi/L (picoCuries per liter, a standard unit of radiation), ensuring protection from the highest risks from radon in drinking water. 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. Those systems initially at the MCL or lower will not need to treat their water for radon.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM	07/18/91	56 FR 33050
Notice	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59245
Final Action	09/00/01	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

**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

**3617. 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 300f; SDWA 1412

**CFR Citation:** 40 CFR 141 400 to 406; 40 CFR 142 14 to 16 (revision)

**Legal Deadline:** Final, Statutory, May 31, 2002.

**Abstract:** EPA has proposed a targeted risk-based regulatory strategy for all ground water systems. 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	FR Cite
NPRM	05/10/00	65 FR 30194
Final Action	11/00/01	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

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

**Additional Information:** SAN No. 2340

Statutory deadline for final: After August 6, 1999 but before the Administrator promulgates a stage II rulemaking for disinfection and disinfection byproducts (currently scheduled for May 2002).

NPRM-

<http://www.epa.gov/safewater/gwr.html>

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AA97

**3618. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ARSENIC AND CLARIFICATIONS TO COMPLIANCE AND NEW SOURCE CONTAMINANT MONITORING**

**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 SDWA 1412

**CFR Citation:** 40 CFR 141 (Revision); 40 CFR 142 (Revision)

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**Legal Deadline:** NPRM, Statutory, January 1, 2000.  
Final, Statutory, June 22, 2001.

**Abstract:** On January 22, 2001, EPA published a final Arsenic Rule (66 FR 6975). On March 23, 2001, EPA published a notice extending the effective date of the final Arsenic Rule from March 23, 2001, to May 22, 2001 (66 FR 16134), in accordance with a January 20, 2001, memorandum from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," (published in the Federal Register on January 24, 2001). The 60-day delay in effective date was necessary to give Agency officials the opportunity for further review and consider the new rule. On April 23, 2001, EPA published a proposal to further extend the effective date of the final Arsenic Rule from May 22, 2001, to February 22, 2002 (66 FR 20579). As its next step in the process of reviewing the final Arsenic Rule, EPA will prepare a proposal for comment on a range of arsenic maximum contaminant level options from 3 ppb to 20 ppb.

**Timetable:**

Action	Date	FR Cite
Plan Arsenic Research Topics for Funding	12/24/96	61 FR 67800
NPRM	06/22/00	65 FR 38888
Extension of Effective Date	01/22/01	66 FR 6975
Final Action	03/23/01	66 FR 16134
Further Extension of Effective Date	04/23/01	66 FR 20579
Effective Date	02/22/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

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

**Additional Information:** SAN No. 2807  
Final Action-  
[www.epa.gov/safewater/ars/arsenic-finalrule.html](http://www.epa.gov/safewater/ars/arsenic-finalrule.html)

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AB75

**3619. NATIONAL PRIMARY DRINKING WATER REGULATIONS: SULFATE**

**Priority:** Other Significant

**Legal Authority:** 42 USC 300(f) SDWA sec 1412

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** Other, Statutory, August 6, 2001, Decision whether to regulate.

**Abstract:** Sulfate is on the list of 83 contaminants required to be regulated under the Safe Drinking Water Act (SDWA) of 1986. The contaminant was deferred from the Phase V regulation in order to allow the EPA time to focus on implementation issues arising from the proposal concerning the risk of sulfate in drinking water to specific subpopulations. Sulfate can cause diarrhea in infants and in adults not acclimated to high sulfate-containing water, such as travelers. Persons who are acclimated to high sulfate-containing water suffer no adverse effects from its consumption. Sulfate occurs naturally in soil and is also found in surface water as a result of acid rain. Sulfate is also used as a reagent in steel and copper industries and in the manufacture of copper sulfate, a fungicide/algicide. An estimated 2,000 systems—serving a population of 200,000 residents, 1 million travelers, and 30,000 infants—are likely to be affected by this regulation. Most of the affected systems serve populations of less than 3,000 and are transient systems not in service year-round. EPA proposed but never finalized several options for compliance which would be an alternative to central treatment and less costly. The 1996 amendments to the SDWA call for a definitive study to resolve remaining health risk questions. Thereafter, EPA is to make a determination whether or not to regulate sulfate. EPA and the Centers for Disease Control have conducted the health risk study for sulfate. The results of the study will serve as the basis for the Agency's determination on whether to regulate sulfate.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/94	59 FR 65578

Action	Date	FR Cite
Notice Sulfate Study	02/11/99	64 FR 7028
Notice - Decision To Regulate or Not	08/00/01	

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 3176

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC07

**3620. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LONG TERM 1 ENHANCED SURFACE WATER TREATMENT RULE**

**Priority:** Other Significant

**Legal Authority:** SDWA 1412(b)(2)(C)

**CFR Citation:** 40 CFR 9 (Revision); 40 CFR 141; 40 CFR 142 (Revision)

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

**Abstract:** The purposes of the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) are to improve control of microbial pathogens, specifically the protozoan *Cryptosporidium*, in drinking water; and address risk trade-offs with disinfection by-products. The LT1ESWTR builds upon the framework established for systems serving a population of 10,000 or more in the Interim Enhanced Surface Water Treatment Rule (IESWTR). The LT1ESWTR applies to public water systems that use surface water or ground water under the direct influence of surface water and serve fewer than 10,000 persons and includes the following provisions: (1) 2-log removal of *Cryptosporidium*; (2) compliance

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with specific combined filter fluent turbidity requirements; (3) continuous turbidity monitoring for individual filters with follow-up activities based on monitoring results; (4) development of a disinfection profile unless applicability monitoring at a particular plant demonstrated TTHM and HAA5 levels less than 0.064 mg/L and 0.048 mg/L respectively; (5) development of a Giardia inactivation disinfection benchmark and consultation with the State before making a significant change in disinfection practices; (6) mandatory covers for all newly constructed finished water reservoirs; and (7) unfiltered system compliance with updated watershed control requirements that add *Cryptosporidium* as a pathogen of concern.

**Timetable:**

Action	Date	FR Cite
NPRM	04/10/00	65 FR 19095
Final Action	08/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 4147

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD18

**3621. NATIONAL PRIMARY DRINKING WATER REGULATIONS: FILTER BACKWASH RECYCLING RULE**

**Priority:** Other Significant

**Legal Authority:** 42 USC 300g1(b)(14); SDWA 1412(b)(14)

**CFR Citation:** 40 CFR 141.76; 40 CFR 142.16

**Legal Deadline:** Final, Statutory, August 6, 2000.

**Abstract:** In 1990, EPA's Science Advisory Board (SAB), an independent panel of experts established by Congress, cited drinking water contamination as one of the most important environmental risks and indicated that disease-causing microbial contaminants (i.e., bacteria, protozoa, and viruses) are probably the greatest remaining health risk management challenge for drinking water suppliers. The 1996 Amendments to the Safe Drinking Water Act reaffirmed this conclusion by requiring EPA to promulgate a number of regulations to address public health concerns associated with drinking water. One such requirement (Section 1412(b)(14)) was that EPA promulgates regulations to, "govern" the recycle of filter backwash within the treatment process of public utilities.

In developing the Filter Backwash Recycling Rule (FBRR), EPA analyzed a variety of issues. The FBRR contains three major components: 1) recycle streams must be returned to a location such that all processes of a system's conventional or direct filtration are employed; 2) direct filtration systems which recycle must report practices to the State; and 3) conventional filtration systems which recycle must report practices to the State.

The FBRR was proposed along with the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) in a single NPRM and was published in the Federal Register on April 10, 2000. Each will be finalized in separate rulemakings.

**Timetable:**

Action	Date	FR Cite
NPRM	04/10/00	65 FR 19045
Final Action	05/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 4146

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD65

**3622. UPDATE OF STATE UNDERGROUND INJECTION CONTROL PROGRAMS**

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

**Legal Authority:** 42 USC 300h-1 SDWA Section 1422; 42 USC 300h-4 SDWA Section 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	FR Cite
Direct Final Rule	08/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4236

## EPA—Safe Drinking Water Act (SDWA)

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**RIN:** 2040-AD40

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

Completed Actions

## Safe Drinking Water Act (SDWA)

**3623. UNREGULATED CONTAMINANT MONITORING RULE - LIST 2****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 141.40**Completed:**

Reason	Date	FR Cite
Final Action	01/11/01	66 FR 2273

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local, Tribal, Federal**Sectors Affected:** 22131 Water Supply and Irrigation Systems**Agency Contact:** Charles Job  
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**RIN:** 2040-AD58**3624. REFORMATTING OF DRINKING WATER REGULATIONS****Priority:** Info./Admin./Other**CFR Citation:** 40 CFR 141; 40 CFR 142**Completed:**

Reason	Date	FR Cite
Withdrawn - No Further Action Planned	04/23/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Sectors Affected:** 22131 Water Supply and Irrigation Systems**Agency Contact:** James Taft  
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**RIN:** 2040-AC41**3625. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADIUM, URANIUM, ALPHA, BETA AND PHOTON EMITTERS****Priority:** Other Significant**CFR Citation:** 40 CFR 141; 40 CFR 142**Completed:**

Reason	Date	FR Cite
Final Action	12/07/00	65 FR 76708

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** State, Local, Tribal, Federal**Sectors Affected:** 22131 Water Supply and Irrigation Systems**Agency Contact:** David Huber  
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**RIN:** 2040-AC98**3626. REVISION TO THE INTERIM ENHANCED SURFACE WATER TREATMENT RULE (IESWTR) AND THE STAGE 1 DISINFECTANTS AND DISINFECTION BYPRODUCTS RULE (DBPR) AND PRIMACY REQUIREMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 141; 40 CFR 142**Completed:**

Reason	Date	FR Cite
Final Action	01/16/01	66 FR 3769

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local, Tribal, Federal**Sectors Affected:** 22131 Water Supply and Irrigation Systems**Agency Contact:** Jennifer Melch  
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Reason	Date	FR Cite
Final Action	01/12/01	66 FR 2823

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State**Sectors Affected:** 22131 Water Supply and Irrigation Systems**Agency Contact:** Kimberley Roy  
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**ENVIRONMENTAL PROTECTION AGENCY (EPA)**  
**Shore Protection Act (SPA)**

Final Rule Stage

**3628. SHORE PROTECTION ACT,  
SECTION 4103(B) REGULATIONS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2601 Shore Protection Act of 1988; PL 100-688 4103(b)

**CFR Citation:** 40 CFR 237

**Legal Deadline:** None

**Abstract:** This rule will implement the Shore Protection Act (SPA) and is designed to prevent the deposit of municipal and commercial waste into U.S. Coastal Waters. This rule establishes minimum waste handling practices for vessels and waste handling facilities involved in the transport of municipal or commercial wastes in the coastal waters of the United States. The rule may require certain vessels and waste handling facilities to develop an operation and

maintenance manual that identifies procedures to prevent, report, and clean up deposits of waste into coastal waters. Local governments and businesses involved with the vessel transportation and shore side handling of these wastes would be affected by this rule. Currently no tribes are known to be involved in waste handling of this type; therefore none would be affected by this rule. In regards to small businesses, EPA has provided guidance on development of operation and maintenance manuals and encourages the use and documentation of existing industry practices that meet or exceed the EPA proposed minimum waste handling standards. All indications are that this regulation as proposed would have a minimal economic impact. This regulation will result in reduction of municipal and commercial wastes deposited in coastal waters.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/94	59 FR 44798
Final Action	02/00/02	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** Local

**Additional Information:** SAN No. 2820

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**RIN:** 2040-AB85

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