

implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes."

This proposed rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175.

Today's proposed rule does not significantly or uniquely affect the communities of Indian tribal governments, because this regulation applies directly to facilities that use these substances and not to governmental entities. Thus, Executive Order 13175 does not apply to this proposed rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The exposure limits and acceptability listings in this proposed rule apply to the workplace. These are areas where we expect adults are more likely to be present than children, and thus, the agents do not put children at risk disproportionately.

Further, today's proposed rule provides both regulatory restrictions and recommended exposure guidelines based upon toxicological studies in order to reduce risk of exposure to

reproductive toxins, both iPB and nPB. This rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866 and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The public is invited to submit or identify peer-reviewed studies and data, of which the agency may not be aware, that assessed results of early life exposure to nPB or iPB.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not a "significant energy action" as defined in Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This action would impact manufacturing of various metal, electronic, medical, and optical products cleaned with solvents containing nPB and products made with adhesives containing nPB. Further, we have concluded that this rule is not likely to have any adverse energy effects.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking involves technical standards since EPA is proposing to limit the amount of iPB as a contaminant of nPB formulations to 0.05%, which is lower than the 0.1% limit set by the ASTM standard for vapor degreasing grade and general grade nPB. Based on the relatively potent toxicity of iPB (see discussion in section IV.A.4 of the preamble), EPA believes it is prudent to reduce the level

of iPB to 0.05% to protect worker health. EPA has consulted with producers and formulators of nPB products, and all have stated that an iPB limit of 0.05% is achievable. EPA requests comment on this aspect of the proposed rulemaking and, specifically, invites the public to comment on the level of iPB contamination that EPA should set, and to explain why such limits should be set in this regulation.

XI. References

The documents below are referenced in the preamble. All documents are located in the Air Docket at the address listed in section I.B.1 at the beginning of this document. Unless specified otherwise, all documents are available in hard copy in docket number A-2001-07 (legacy docket number for Docket ID No. OAR-2002-0064). Numbers listed after the reference indicate the item number within the docket.

Flammability

UNEP, 1999. 1998 Report of the United Nations Environment Programme Ozone Secretariat, Solvents, Coatings and Adhesives Technical Options Committee, April, 1999. (II-A-22)

Ozone-Depletion Potential and Global Warming Potential

- Atmospheric and Environmental Research, Inc., 1995: Estimates of the Atmospheric Lifetime, Global Warming Potential and Ozone Depletion Potential of n-Propyl Bromide. Independent study prepared for Albemarle Corporation. (II-D-17)
- WMO (World Meteorological Organization), 1999: Scientific Assessment of Ozone Depletion: 1998, Global Ozone Research and Monitoring Project—Report No. 44, Geneva, 1998. (II-A-20)
- Wuebbles, D. J., R. Kotamarthi, and K. O. Patten, 1999: "Updated evaluation of Ozone Depletion Potentials for Chlorobromomethane and 1-bromopropane." *Atmospheric Environment*, Vol. 33, p. 1641-1643. (A-91-42, IX-A-62)
- Wuebbles, D. J., K. O. Patten, and M. T. Johnson, 2000: "Effects of n-propyl bromide and other short-lived chemicals on stratospheric ozone." Proceedings, Symposium on Atmospheric Chemistry Issues in the 21st Century, American Meteorological Society, Boston. (II-A-4)
- Wuebbles, Donald J., Patten, Kenneth O., Johnson, Matthew T., Kotamarthi, Rao, 2001: "New methodology for Ozone Depletion Potentials of short-lived compounds: n-propyl bromide as an example." *Journal of*