

following address: Dorothy Mcmanus, Mail Code 5104A, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Attention Docket ID No. OAR-2003-0044. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

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I. Introduction

A. Statutory Authority

This notice of proposed rulemaking (NPRM) is being issued under section 112(r) of the Clean Air Act (CAA or Act) as amended (42 U.S.C. 7412, 7601).

B. Background

The 1990 CAA Amendments added, among other things, section 112(r) to provide for the prevention and mitigation of accidental releases of extremely hazardous substances. Section 112(r) calls for EPA to list the most dangerous substances and a threshold quantity for each substance. It also directs EPA to issue regulations requiring any stationary source with more than a threshold quantity of a listed substance to develop and implement a risk management program. EPA published a final rule creating the list of regulated substances and establishing thresholds on January 31, 1994 (59 FR 4478) (the "List Rule"), and a final rule establishing the accidental release prevention regulations on June 20, 1996 (61 FR 31668) (the risk management program regulations or "RMP Rule"). Together, these two rules are codified as part 68 of title 40 of the Code of Federal Regulations (40 CFR part 68).

Sources subject to the RMP rule are required to develop and implement a risk management program that includes, for covered processes, a five-year accident history, an offsite consequence analysis, a prevention program, and an

emergency response program. Sources must also submit to EPA a risk management plan (RMP) describing the source's risk management program. The deadline for submitting RMPs was June 21, 1999, for sources subject to the program by that date. Approximately 15,000 sources have submitted RMPs.

The RMP rule requires sources to update and re-submit their RMPs at least every five years or sooner if any of the changes specified in section 68.190(b)(2) of the rule occur. The specified changes currently include the following conditions: (1) No later than three years after the date on which a regulated substance is first listed under § 68.130, (2) no later than the date on which a new regulated substance is first present in an already covered process above a threshold quantity, (3) no later than the date on which a regulated substance is first present above a threshold quantity in a new process, (4) within 6 months of a change that requires a revised PHA or hazard review, (5) within 6 months of a change that requires a revised off-site consequence analysis as provided in § 68.36, and (6) within six months of a change that alters the Program level that applied to any covered process. Updates and re-submissions entail the review and revision of all sections of the RMP as needed to bring the RMP up to date. They must be accompanied by a new certification letter for the entire RMP. If a source re-submits its RMP for any of the aforementioned reasons, the five-year anniversary date for resubmitting the RMP is reset.

Sources may wish to revise their RMPs for other reasons, as well. The Agency distinguishes among the re-submissions discussed above and other various types of revisions, namely corrections, de-registrations (revised registrations) and withdrawals. A correction is a change only to individual data elements that a source wishes to change or correct, and requires a new certification letter covering that change. Corrections may be required if the implementing agency or the reporting center discovers the submission was incomplete based on a validation/error report. The source may initiate a correction if it discovers an error, needs to make minor administrative changes (e.g., correction of a phone number or contact name), or changes owners but covered process operations do not change. Corrections do not entail the review and revision of all nine sections of the RMP, nor do they affect the five-year anniversary date for updating and resubmitting the RMP.

De-registrations (or revised registrations as these are referred to in