

public health or safety risks, nor would it establish environmental standards intended to mitigate health or safety risks.

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

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

*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 its 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 does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

**Lists of Subjects in 40 CFR Part 68**

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

**Authority:** Sec. 112(r) of the Clean Air Act.  
**Dated:** July 23, 2003.  
**Marianne L. Horinko,**  
*Acting Administrator.*

For the reasons set out in the preamble, title 40, chapter I, part 68 of the Code of Federal Regulations is proposed to be amended to read as follows:

**PART 68—CHEMICAL ACCIDENT PREVENTION PROVISIONS**

1. The authority citation for part 68 continues to read as follows:

**Authority:** 42 U.S.C. 7412(r), 7601(a)(1), 7661-7661f.

2. Section 68.155 is amended by removing paragraph (c) and redesignating paragraphs (d) through (g) as paragraphs (c) through (f).

3. Section 68.160 is amended by revising paragraph (b)(6), redesignating paragraphs b(14) through b(18) as paragraphs b(15) through b(19), and adding a new paragraph b(14) as follows:

**§ 68.160 Registration.**

\* \* \* \* \*

(b) \* \* \*

(6) The name, title, telephone number, 24-hour telephone number, and the e-mail address (if an e-mail address exists) of the emergency contact;

\* \* \* \* \*

(14) The name, the mailing address, and the telephone number of any contractor who helped prepare the RMP;

\* \* \* \* \*

5. Section 68.190 is amended by revising paragraphs (b)(6) and (b)(7), by adding a new paragraph (b)(8), by redesignating paragraph (c) as paragraph (d), and by adding new paragraphs (c) and (e) to read as follows:

**§ 68.190 Updates.**

\* \* \* \* \*

(b) \* \* \*

(6) Within 6 months of a change that requires a revised offsite consequence analysis as provided in § 68.36;

(7) Within 6 months of a change that alters the Program level that applied to any covered process; and

(8) Within 6 months of the date of an accidental release of any chemical from a covered process, where the accidental release meets the criteria for reporting in the 5-year accident history as provided in § 68.42(a).

(c) The owner or operator of a stationary source shall submit a correction to the RMP for any change in the emergency contact information required by § 68.160 (b)(6) within one month of the change.

\* \* \* \* \*

(e) Following submission of an initial RMP, an owner or operator submitting any subsequent version or revision of the RMP shall identify the type of submission being made and the reason for it. The types of submission include:

(1) Corrections (e.g., changes to fix minor technical errors, update administrative information, provide missing data elements or reflect facility ownership changes) which do not require an update and revision of the RMP under this section;

(2) Re-submissions under paragraph (b) of this section;

(3) De-registrations (revised registrations) under paragraph (c) of this section; and

(4) Withdrawals of an RMP for any facility that was erroneously considered subject to part 68.

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[FR Doc. 03-19281 Filed 7-30-03; 8:45 am]

BILLING CODE 6560-50-P