

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

The direct final rule amendments are not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because they are not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act*

Because today's action contains no new test methods, sampling procedures or other technical standards, there is no need to consider the availability of voluntary consensus standards.

*J. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and

other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. The direct final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 61**

Environmental protection, Air pollution control, Hazardous substances.

Dated: September 12, 2003.

**Marianne L. Horinko,**  
*Acting Administrator.*

■ For the reasons stated in the preamble, title 40, chapter I, part 61 is amended as follows:

**PART 61—[AMENDED]**

■ 1. The authority citation for part 61 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

**Subpart M—[AMENDED]**

■ 2. Section 61.150 is amended by revising paragraph (a)(1)(iv) to read as follows:

**§ 61.150 Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations.**

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

(iv) Label the containers or wrapped materials specified in paragraph (a)(1)(iii) of this section using warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.1001(j)(4) or 1926.1101(k)(8). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

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■ 3. Section 61.156 is amended by revising Table 1 to read as follows:

**§ 61.156 Cross-reference to other asbestos regulations.**

\* \* \* \* \*

TABLE 1.—CROSS-REFERENCE TO OTHER ASBESTOS REGULATIONS

| Agency     | CFR citation                     | Explanation                                                                                                                                                                                                          |
|------------|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EPA .....  | 40 CFR part 763, subpart E ..... | Requires schools to inspect for asbestos and implement response actions and submit asbestos management plans to States. Specifies use of accredited inspectors, air sampling methods, and waste disposal procedures. |
|            | 40 CFR part 427 .....            | Effluent standards for asbestos manufacturing source categories                                                                                                                                                      |
|            | 40 CFR part 763, subpart G ..... | Protects public employees performing asbestos abatement work in States not covered by OSHA asbestos standard.                                                                                                        |
| OSHA ..... | 29 CFR 1910.1001 .....           | Worker protection measures—engineering controls, worker training, labeling, respiratory protection, bagging of waste, 0.2 f/cc permissible exposure level.                                                           |
|            | 29 CFR 1926.1101 .....           | Worker protection measures for all construction work involving asbestos, including demolition and renovation work practices, worker training, bagging of waste, 0.2 f/cc permissible exposure level.                 |
| MSHA ..... | 30 CFR part 56, subpart D .....  | Specifies exposures limits, engineering controls, and respiratory protection measures for workers in surface mines.                                                                                                  |
|            | 30 CFR part 57, subpart D .....  | Specifies exposure limits, engineering controls, and respiratory protection measures for workers in underground mines.                                                                                               |
| DOT .....  | 49 CFR parts 171 and 172 .....   | Regulates the transportation of asbestos-containing waste material. Requires waste containment and shipping papers.                                                                                                  |