

and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to Executive Order 13045 because it is not economically significant as defined under Executive Order 12866. Further, this regulation does not concern an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children.

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

This regulation 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

As noted in the proposed rule, 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, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through the Office of Management and Budget (OMB), explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any new 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. 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**. A major rule cannot take effect until 60 days after it

is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective on December 22, 2003 for the reasons explained in Section X.

List of Subjects in 40 CFR Part 437

Environmental protection, Waste treatment and disposal, Water pollution control.

Dated: December 16, 2003.

Michael O. Leavitt,
Administrator.

■ For reasons set out in the preamble, 40 CFR chapter I is amended as follows:

PART 437—THE CENTRALIZED WASTE TREATMENT POINT SOURCE CATEGORY

■ 1. The authority citation for part 437 is revised to read as follows:

Authority: 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361.

§ 437.11 [Amended]

■ 2. Section 437.11(a) is amended by removing the entry for "Selenium" in the BPT Limitations table, under the heading "Metal Parameters".

§ 437.13 [Amended]

■ 3. Section 437.13(a) is amended by removing "selenium,".

§ 437.15 [Amended]

■ 4. Section 437.15(a) is amended by removing "selenium,".

§ 437.16 [Amended]

■ 5. Section 437.16(a) is amended by removing "selenium,".

§ 437.21 [Amended]

■ 6. Section 437.21 is amended by removing the following entries in the BPT Limitations table, under the heading "Metal Parameters":

- a. Antimony.
- b. Barium.
- c. Molybdenum.
- d. Titanium.

§ 437.23 [Amended]

■ 7. Section 437.23 is amended by removing the following words:

- a. "antimony,".
- b. "barium,".
- c. "molybdenum,".
- d. "titanium,".

§ 437.24 [Amended]

■ 8. Section 437.24 is amended by removing the following words:

- a. "antimony,".
- b. "barium,".
- c. "molybdenum,".
- d. "titanium,".

§ 437.25 [Amended]

■ 9. Section 437.25 is amended by removing the following entries in the Pretreatment Standards (PSES) table, under the heading "Metal Parameters":

- a. Antimony.
- b. Barium.
- c. Molybdenum.

§ 437.26 [Amended]

■ 10. Section 437.26 is amended by removing the following words:

- a. "antimony,".
- b. "barium,".
- c. "molybdenum,".

§ 437.31 [Amended]

■ 11. Section 437.31 is amended as follows:

■ a. In the BPT Limitations table by removing the following entries under the heading "Metal Parameters":

- i. Antimony.
- ii. Molybdenum.

b. In the BPT Limitations table by removing the following entries under the heading "Organic Parameters":

- i. Aniline.
- ii. 2,3-Dichloroaniline.

§ 437.33 [Amended]

■ 12. Section 437.33 is amended by removing the following words:

- a. "antimony,".
- b. "molybdenum,".
- c. "aniline,".
- d. "2,3,-dichloroaniline,".

§ 437.34 [Amended]

■ 13. Section 437.34 is amended by removing the following words:

- a. "antimony,".
- b. "molybdenum,".
- c. "aniline,".
- d. "2,3,-dichloroaniline,".

§ 437.35 [Amended]

■ 14. Section 437.35 is amended by removing the following words:

- a. "molybdenum,".
- b. "2,3,-dichloroaniline,".

§ 437.36 [Amended]

■ 15. Section 437.36 is amended by removing the following words:

- a. "molybdenum,".
- b. "2,3,-dichloroaniline,".

§ 437.42 [Amended]

■ 16. Sections 437.42 is amended as follows:

■ a. In paragraph (b)(1) by removing the following entries in the BPT Limitations table, under the heading "Metal Parameters":

- i. Barium.
- ii. Molybdenum.
- iii. Selenium.