



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

13 APR 1982

A-96-01
NY-4-656

OFFICE OF
AIR, NOISE, AND RADIATION

MEMORANDUM

SUBJECT: Termination of Noise Regulatory Activities - Schedule Status

FROM: Louise P. Giersch, Director *[Signature]*
Standards & Regulations Division (ANR-490)

TO: John M. Ropes, Office Director
for Noise Control Programs (ANR-471)

We have updated our projections of anticipated promulgation dates for our regulatory actions in order to reflect the delays we have encountered when the packages leave ONAC.

The attached status charts, regarding Standards & Regulations Division actions, show that the Division, the Noise Office and OANR are in serious danger of missing the deadlines of September 30, 1982 to complete the planned regulatory withdrawal/rescission actions which we committed to on December 4, 1981. These deadlines are reflected in our performance standards for FY 1982, and I believe also in Kathleen Bennett's.

The regulatory process, when compressed as much as possible, results in a minimum of 186 days from submittal of a proposed withdrawal or rescission (NPRM) package to the AA's office to its publication as a final rule in the Federal Register. The minimum period between submittal of a Final Rule (NRM) package to the AA and its publication in the Federal Register is 77 days. These time periods assume, optimistically, that no significant issues will arise during the clearance process; however such has not been the case for those in the current pipeline.

The status of our regulatory activities is summarized:

1. The following four actions originally scheduled for promulgation by 8/12/82, now are projected to be promulgated no earlier than 10/18/82:

- o Rescission of the TMSWC (Garbage Truck)
- o Withdrawal of the Bus NPRM
- o Withdrawal of the Wheel & Crawler Tractor NPRM
- o Withdrawal of the Identifications of six products --
Combined Package

2. The revision of the Interstate Motor Carrier (IMC) regulation is anticipated to be a "technical amendment" with a completion date of 9/15/82. If, however, significant costs are implied from the on-going current analysis, then an NPRM/NRM may be necessary which could extend the promulgation date to 1/3/83.

3. The remaining actions, which have either completed the NPRM process, or do not require an NPRM, are not presently in difficulty. However, if our recent experience is any guide, it would not take much slippage to cause these actions to miss the September 30, 1982 deadline.

Clearly John, in order for the agency to meet its phase out deadlines, we will need the continuing active support of the AA throughout the clearance process. Without her direct intervention there is no way we can meet any reasonable deadlines.

STATUS OF REGULATORY ACTIONS
ONAC/S&RD

April 13, 1982

REGULATORY ACTION	PRODUCT OR OPERATION AFFECTED	ADMINISTRATIVE ACTION REQUIRED	DATE TO BARR PLANNED / ACTUAL	PLANNED PROMULGATION DATE	STATUS	REVISED** PROMULGATION DATE
Rescind the rule	Garbage Truck	(1) NPR & NR	2/22 2/22	8/12/82	AA A 25 4/16	10/18/82
Revise reporting requirements for existing rule & add self-certification	Trucks Compressors Motorcycles Hearing Protectors	NRM	6/1/82	8/16/82	ONAC	
Withdraw NPRM	Rail Carrier boundary line Motorcycles test provision	NW	3/22 1/12	5/24/82	AX	
	Special Local Conditions for Interstate Carriers rail and motor	NW	3/22 1/15	5/24/82	AX	
	Tractors and Buses	NPW & HW	2/22 2/5	8/12/82	AA 02 11/8	10/18/82
Withdraw Identification under 5(b)(1).	Lawnmowers Pavement Breakers Rock Drills Refrigerations Units Tractors Buses Garbage Truck is proposed to be added to the above package.	NPW & HW	2/22 2/5	8/12/82	AA 02 11/8	10/18/82
Amend rule	Interstate Motor Carriers	TECH AMEND	6/30/82	9/15/82	ONAC	
		or NPRM & NRM	6/30/82	1/2/83	ONAC	

(1) NPR = Notice of Proposed Rescision
NR = Notice of Rescision
NPW = Notice of Proposed Withdrawal
NW = Notice of Withdrawal
NPRM = Notice of Proposed Rulemaking
NRM = Notice of Rulemaking
Tech Amend = Technical Amendment to a Rule.

* NPRM/NRM only if significant costs are implied from current on-going analysis.

** These dates are based upon day #1 being Friday, 16 April 1982.

ONAC/S&RH

TIME-LINE PROJECTIONS FOR REGULATION ACTIONS

Date: April 13, 1982

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Packages/Action	DATES		ESTIMATED DAYS TO REVIEW & APPROVE													COMPLETION DATE	
	To Dir. ONAC	To Asst. Admin. OADR	NPRM			NRM										Planned	Revised**
			Orig & Steer- ing Committee	Red Border	Admin.	Federal Register	Public Comment	Docket Analysis	Assist. Admin.	Steering Committee	OMB	Red Border	Admin.	Federal Register			
*Combined Package (withdraw 5(b)(1) and NPRM)		2/5/82	186	172	158	144	137	107	77	63	49	35	21	7	8/12/82	10/18/82	
Truck Mounted Solid Waste Compactor (Rescinded Rule)		2/22/82	186	172	158	144	137	107	77	63	49	35	21	7	8/12/82	10/18/82	
Revise IMC (NRM - Tech. Amend.)	6/21/82	6/30/82	186	172	158	144	137	107 ¹	77	63	49	35	21	7	9/15/82 [1/3/83]	---	
IMC & IRC Special Local Conditions (Withdraw NPRM)		3/31/82	---	---	---	---	---	---	77	63	49	35	21	7	5/24/82	---	
Revise Enforcement Reqmt (Issue NRM) including self certification	5/21/82	6/1/82	---	---	---	---	---	---	77	63	49	35	21	7	8/16/82	---	
Interstate Rail Carrier (Withdraw NPRM)		1/12/82	---	---	---	---	---	---	---	---	---	---	21	7	5/24/82	---	
Motorcycle Test Amend (Withdraw NPRM)		1/15/82	---	---	---	---	---	---	---	---	---	---	21	7	5/24/82	---	

*Lawn mowers - 5(b)(1)
 *Pavement Breakers - 5(b)(1)
 *Rock Drills - 5(b)(1)
 *Truck Transport Refrigeration Units - 5(b)(1)

*Wheel & Crawler Tractors - 5(b)(1) & NPRM
 *Buses - 5(b)(1) & NPRM

¹ These dates are based upon day #1 being Friday, 16 April 1982
 NPRM/NRM only if significant costs are implied from current on-going analysis