

# Proposed Rules

Federal Register

Vol. 77, No. 169

Thursday, August 30, 2012

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1201

#### Petition Requesting Rulemaking To Revise Test Procedures for Glazing Materials in Architectural Products

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Comment request.

**SUMMARY:** The U.S. Consumer Product Safety Commission (“Commission” or “we”) has received a petition (CP12–3) requesting that the Commission initiate rulemaking to replace the testing procedures for glazing materials in certain architectural products set forth in our regulations, with those testing procedures contained in ANSI Z97.1, “American National Standard for Safety Glazing Materials Used in Building—Safety Performance Specifications and Methods of Test.” We invite written comments concerning the petition.

**DATES:** The Office of the Secretary must receive comments on the petition by October 29, 2012.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC–2012–0049, by any of the following methods:

#### Electronic Submissions

Submit electronic comments in the following way:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (email), except through [www.regulations.gov](http://www.regulations.gov).

#### Written Submissions

Submit written submissions in the following way:

Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions), preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330

East-West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

*Instructions:* All submissions received must include the agency name and petition number for this rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: <http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

*Docket:* For access to the docket to read background documents or comments received, go to: <http://www.regulations.gov>. A copy of the petition is available at <http://www.regulations.gov>, under Docket No. CPSC–2012–0049, Supporting and Related Materials.

#### FOR FURTHER INFORMATION CONTACT:

Rochelle Hammond, Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504–6833.

**SUPPLEMENTARY INFORMATION:** The Commission has received a submission from William M. Hannay, Attorney at Law, Counsel for Safety Glazing Certification Council (“petitioner”), dated June 26, 2012, requesting that the Commission initiate a rulemaking to replace the current testing procedures for glazing materials codified at 16 CFR 1201.4, with those contained in ANSI Z97.1, “American National Standard for Safety Glazing Materials Used in Building—Safety Performance Specifications and Methods of Test.” The Commission is docketing this request as a petition under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2056 and 2058. The current standard for architectural glazing materials applies to glazing materials used or intended to be used in the architectural products subject to the standard, i.e., storm doors or combination doors, doors, bathtub doors and enclosures, shower doors and enclosures and sliding glass doors. The testing procedures set forth in Section 1201.4 require impact tests and accelerated environment durability tests which are intended to determine if glazing materials used in these architectural products meet safety requirements designed to reduce or

eliminate unreasonable risks of death or serious injury to consumers when glazing material is broken by human contact. The testing procedures further describe the testing equipment and apparatus required to be used, and the test result interpretation methodology to be employed in determining if the glazing materials being tested meet the safety requirements of the standard.

Petitioner asserts that consumers and the glazing industry would be better served by replacing the test procedures for glazing materials used in the above-referenced architectural products in 16 CFR 1201.4 with ANSI Z97.1’s purportedly more efficient and more modern procedures. Petitioner notes that the testing procedures set forth in Section 1201.4 were promulgated in 1977 and have not been updated or clarified since their original adoption by the Commission. Petitioner points out that the ANSI standard for glazing materials has been updated periodically (in 1984, 1994, 2004 and 2009) since the mandatory standard was promulgated, and that these updates include modifications in testing equipment and procedures that provide better protection for consumers.

Petitioner asserts that the absence of updates to the mandatory standard during a period in which the ANSI standard was revised four times has resulted in different testing methods and qualifying procedures that has created confusion in the industry regarding which test methodology must be used in what circumstance. Petitioner claims that the existence of overlapping but divergent mandatory and voluntary standards has created confusion for manufacturers in determining which standard applies, and resulted in manufacturers being required to pay for dual qualification testing, because different specifying agencies reference one or both standards. Petitioner also includes the proposed language that would replace the current Section 1201.4, directing manufacturers and private labelers of glazing material to test and certify the compliance of their products to the current ANSI standard.

By this notice, we seek comments concerning this petition. Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330

East-West Highway, Bethesda, MD 20814; telephone (301) 504-7923. A copy of the petition is also available at <http://www.regulations.gov>, under Docket No. CPSC-2012-0049, Supporting and Related Materials.

Dated: August 24, 2012.

**Todd A. Stevenson,**

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2012-21364 Filed 8-29-12; 8:45 am]

BILLING CODE 6355-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Docket No. EPA-R02-OAR-2012-0504; FRL-9723-2]

#### Approval and Promulgation of Air Quality Implementation Plans; New York, New Jersey, and Connecticut; Determination of Attainment of the 2006 Fine Particle Standard

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to determine that the New York-N. New Jersey-Long Island, NY-NJ-CT fine particle (PM<sub>2.5</sub>) nonattainment area has attained the 2006 24-hour fine particle National Ambient Air Quality Standard (NAAQS). This proposed determination is based upon quality assured, quality controlled, and certified ambient air monitoring data that shows the area has monitored attainment of the 2006 24-hour PM<sub>2.5</sub> NAAQS for the 2007-2009 and 2008-2010 monitoring periods and continues to show attainment through 2011. If this proposed determination is made final, the requirements for this area to submit an attainment demonstration, reasonably available control measures, reasonable further progress plan, and contingency measures related to attainment of the 2006 24-hour PM<sub>2.5</sub> NAAQS shall be suspended for so long as the area continues to attain the 2006 24-hour PM<sub>2.5</sub> NAAQS.

**DATES:** Comments must be received on or before October 1, 2012.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-R02-OAR-2012-0504, by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov): Follow the on-line instructions for submitting comments.
- *Email:* [Werner.Raymond@epa.gov](mailto:Werner.Raymond@epa.gov)
- *Fax:* 212-637-3901

- *Mail:* Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.

- *Hand Delivery:* Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. EPA-R02-OAR-2012-0504. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

*Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket

materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866. EPA requests, if at all possible, that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays. **FOR FURTHER INFORMATION CONTACT:** If you have questions concerning today's proposed action related to New York or New Jersey, please contact Gavin Lau, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, telephone number (212) 637-3708, fax number (212) 637-3901, email [lau.gavin@epa.gov](mailto:lau.gavin@epa.gov).

If you have questions concerning today's proposed action related to Connecticut, please contact Alison C. Simcox, Air Quality Planning Unit, Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, Mail Code OEP05-02, Boston, MA 02109-3912, telephone number (617) 918-1684, fax number (617) 918-0684, email [simcox.alison@epa.gov](mailto:simcox.alison@epa.gov).

**SUPPLEMENTARY INFORMATION:** For detailed information regarding this proposal, EPA prepared a Technical Support Document (TSD). The TSD can be viewed at <http://www.regulations.gov>.

The following table of contents describes the format of this notice:

- I. What action is EPA proposing?
- II. What is the effect of this action?
- III. What is the background for this action?
- IV. What is EPA's analysis of the relevant air quality data?
- V. How did EPA address missing data?
- VI. Proposed Action
- VII. Statutory and Executive Order Reviews

#### I. What action is EPA proposing?

EPA is proposing to determine that the New York-N. New Jersey-Long Island, NY-NJ-CT PM<sub>2.5</sub> nonattainment area, referred to from this point forward as the NY-NJ-CT PM<sub>2.5</sub> nonattainment area, has attained the 2006 24-hour PM<sub>2.5</sub> NAAQS. This proposed determination is based upon quality-assured, quality-controlled, and certified ambient air monitoring data that show that the area has monitored attainment of the 2006 24-hour PM<sub>2.5</sub> NAAQS for the 2007-2009 and 2008-2010 monitoring periods and continues to attain through 2011. The New York portion of the NY-NJ-CT PM<sub>2.5</sub>