

FY 2012 -- FEDERAL REGISTER SUMMARY

09/19/2012 p 58035 – p 58045 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone Depleting Substances-Fire Suppression and Explosion Protection

Action: Direct final rule

Summary: This lists substitutes for ozone depleting substances in the fire suppression and explosion protection sector.

Applicability: This applies to fire suppression systems.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-19/pdf/2012-23138.pdf>

09/18/2012 p 57545 – p 57546 Long Term 2 Enhanced Surface Water Treatment Rule: Public Meeting on Monitoring Data Analysis, Occurrence, Forecasts, Binning, and the Microbial Toolbox

Action: Notice of public meeting

Summary: There will be a meeting on November 15, 2012. Topics include results of cryptosporidium monitoring and the effectiveness of Escherichia coli screening to identify systems that need to perform cryptosporidium monitoring.

Applicable: This is relevant to public water systems

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-18/pdf/2012-23014.pdf>

09/18/2012 p 57546 – p 57554 National Priorities List, Proposed Rule No. 57

Action: Proposed rule

Summary: This proposes to amend the National Priorities List

Applicability: Provided for general information. One Federal facility in Utah is proposed to be added to the NPL.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-18/pdf/2012-22837.pdf>

09/18/2012 p 57495 – p 57504 National Priorities List, Final Rule No. 55

Action: Final rule

Summary: This adds sites to the National Priorities List

Applicability: Provided for general information only. Additions are made to the “General Superfund Section”. No Federal facilities are added by this action.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-18/pdf/2012-22851.pdf>

09/11/2012 p 55833 – p 55834 Announcement of Public Meeting on the Consumer Confidence Report (CCR) Rule Retrospective Review and Request for Public Comment on Potential Approaches to Electronic Delivery of the CCR

Action: Notice of a public meeting and request for public comments

Summary: A public meeting is scheduled for October 1, 2012 regarding consumer confidence reports required to be provided to consumers annually under the Safe Drinking Water Act. Currently CCRs are provided to consumers in hard copy form, such as a pamphlet in water bills. EPA is considering options of electronic delivery of CCRs and requests comments.

Applicability: This applies to public water systems classified as community water systems under the Safe Drinking Water Act. Therefore, it applies to systems providing residential service.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-11/pdf/2012-22344.pdf>

09/07/2012 p 55144 – p 55153 Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites Offshore of Yaquina Bay, Oregon

Action: Final rule

Summary: EPA is designating two new ocean dredged material disposal sites offshore of Yaquina Bay, Oregon pursuant to the Marine Protection, Research, and Sanctuaries Act.

Applicability: This is relevant to persons seeking to dispose of dredged material in ocean waters offshore of Yaquina Bay, Oregon and thus USACE is most affected by this action.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-07/pdf/2012-22100.pdf>

09/06/2012 p 54818 – p 54835 Polychlorinated Biphenyls (PCBs): Revisions to Manifesting Regulations

Action: Direct final rule

Summary: EPA is publishing a direct final rule to update manifesting regulations for PCBs under TSCA to conform to analogous regulations for manifesting hazardous waste under RCRA. The uniform hazardous waste manifest is used under both TSCA and RCRA for tracking shipments and therefore regulations are being modified to make requirements consistent between programs.

Applicability: This generally applies to transportation of PCBs at or above 50 ppm. It can also apply at lower concentrations resulting from dilution of regulated PCBs. This rule is relevant to all programs, including Civil Works, FUDs, EPA Superfund, and Army IRP.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-06/pdf/2012-21674.pdf>

09/06/2012 p 54863 – p 54864 Polychlorinated Biphenyls (PCBs): Revisions to Manifesting Regulations

Action: Proposed rule

Summary: This proposes to update and clarify several sections of the Polychlorinated Biphenyl (PCB) regulations associated with the manifesting requirements, which uses the Resource Conservation and Recovery Act (RCRA) Uniform Hazardous Waste Manifest, under the Toxic Substances Control Act (TSCA). At the same time, EPA is separately publishing a direct final rule. If adverse comments are received on this proposal, EPA will withdraw the direct final rule and proceed for further rulemaking relative to this subject.

Applicability: This typically applies to PCBs at or above 50 ppm and to PCBs at lower concentrations resulting from dilution of regulated PCBs.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-06/pdf/2012-21675.pdf>

08/30/2012 p 52633 Notice of a Public Meeting: Stakeholder Meeting Concerning EPA's Intent to Regulate Perchlorate Levels in Drinking Water

Action: Notice

Summary: EPA is holding a public meeting and webcast relative to development of a National Primary Drinking Water Standard for perchlorate. The meeting is September 20, 2012. Advance registration is required to participate.

Applicability: Perchlorate is a munitions constituent and the development of an maximum contaminant level (MCL) will affect DoD cleanup programs as well as any public water systems under operation.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-08-30/pdf/2012-21480.pdf>

08/24/2012 p 51530-51532 Amended Environmental Impact Statement Filing System Guidance for Implementing 40 CFR 1506.9 and 1506.10 of the Council on Environmental Quality's Regulations Implementing the National Environmental Policy Act

Action: Notice

Summary: Under 40 CFR 1506.9 and 1506.10, EPA is responsible for administering the EIS filing process, and can issue guidelines to implement those responsibilities. The guidelines published today update the previous guidelines, which were first published in the Federal Register on March 7, 1989. These updated guidelines have been modified to incorporate changes necessary to implement the e-NEPA electronic filing system. Federal agencies are required to prepare EISs in accordance with 40 CFR part 1502, and to file the EISs with EPA as specified in 40 CFR 1506.9. As of October 1, 2012, Federal agencies file an EIS by submitting the complete EIS, including appendices, to EPA through the e-NEPA electronic filing system.

Applicability: Federal agencies executing NEPA.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-08-24/pdf/2012-20914.pdf>

08/15/2012 p 49168 – p 49276 Hazardous Materials: Harmonization with International Standards (RRR)

Action: Notice of proposed rulemaking

Summary: PHMSA proposes to amend the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the Hazardous Materials Regulations with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations and subsequently address a petition for rulemaking. Comments must be received by October 15, 2012.

Applicability: This proposed rulemaking would be of interest to shippers of hazardous materials.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-08-15/pdf/2012-18431.pdf>

07/30/2012 p 44562 Public Meeting: Potential Regulatory Implications of the Reduction of Lead in Drinking Water Act of 2011

Action: Notice

Summary: EPA is hosting a public meeting on August 16, 2012, to discuss and solicit input on the implementation of the Reduction of Lead in Drinking Water Act of 2011. The Act was signed on January 4, 2011, and will be effective on January 4, 2014. The Act amended Section 1417 of the Safe Drinking Water Act (SDWA), which prohibits the use of certain plumbing products that are not "lead free" (as defined by SDWA), and makes it unlawful to introduce into commerce products that are not "lead free."

Applicability: Provided for general interest purposes.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-07-30/pdf/2012-18525.pdf>

07/25/2012 p 43523 Revisions to the Unregulated Contaminant Monitoring Regulation (UCMR 3) for Public Water Systems

Action: Correction

Summary: This corrects a table regarding the type and size of system to which the UCMR rule applies.

Applicability: The table published by this Federal Register specifies applicability of UCMR assessment monitoring, screening surveys, and pre-screen testing to each type of public water system (community water system, non-transient non-community water system, and transient non-community water system.)

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-07-25/pdf/C2-2012-9978.pdf>

07/05/2012 p 39662 – p 39666 Hazardous Materials; Reverse Logistics (RRR)

Action: Advance notice of proposed rulemaking (ANPRM)

Summary: PHMSA is publishing this ANPRM to identify ways to reduce the regulatory burden for persons who ship consumer products containing hazardous materials in the “reverse logistics” supply chain. Reverse logistics is the process that is initiated when a consumer product goes backwards in the distribution chain. It may be initiated by the consumer, the retailer, or anyone else in the chain. Therefore, the process may involve consumers, retailers, manufacturers, and even disposal facilities. This rulemaking will also address a petition (P-1561) from the Battery Council International (Battery Council). In its petition, the Battery Council requests that PHMSA allow the shipment of used batteries from multiple shippers on a single transport vehicle under the exception provided in § 173.159(e). The Battery Council notes in their petition that currently the exception in § 173.159(e) does not clearly allow for shipment of used batteries from multiple shippers for the purposes of recycling. The rulemaking will also address the hazardous materials that are ordered online that may require reverse logistics. Comments due by October 3, 2012.

Applicability: This proposed rulemaking would be of interest to consumers that might purchase hazardous materials online and want to return the item. In addition, the rulemaking will be of interest to shippers of batteries intended for recycling.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-07-05/pdf/2012-16177.pdf>

07/02/2012 p 39182 Revisions to the Unregulated Contaminant Monitoring Regulations (UCMR 3) for Public Water Systems

Action: Correction

Summary: This makes corrections regarding applicability of the monitoring requirements of the rule.

Applicability: This applies to public water systems serving more than 10,000 and to randomly selected smaller systems.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-07-02/pdf/C1-2012-9978.pdf>

06/29/2012 p 38859 – p 38864 Governor’s Designees Receiving Advance Notification of Transportation of Certain Shipments of Nuclear Waste and Spent Fuel

Action: Notice

Summary: On January 6, 1982 (47 FR 596 and 47 FR 600), the U.S. Nuclear Regulatory Commission (NRC) published in the Federal Register final amendments to Title 10 of the Code of Federal Regulations (10 CFR) parts 71 and 73 (effective July 6, 1982), that require advance notification to Governors or their designees by NRC licensees prior to transportation of certain shipments of nuclear waste and spent fuel. The advance notification covered in Part 73 is for

spent nuclear reactor fuel shipments and the notification for Part 71 is for large quantity shipments of radioactive waste (and of spent nuclear reactor fuel not covered under the final amendment to 10 CFR part 73).

Applicability: This notice would have limited applicability to USACE shipments of radioactive material except for certain types of special nuclear material.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-06-29/pdf/2012-15963.pdf>

06/28/2012 p 38523 – p 38530 Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

Action: Final Rule

Summary: This announces approval of alternative testing methods for use in measuring contaminants in drinking water.

Applicability: In addition to applying to public water systems, this is relevant to cleanup programs involving ground water analysis.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-06-28/pdf/2012-15727.pdf>

06/13/2012 p 35343 – p 35349 Provisions for Fees Related to Hazardous Materials Endorsements and Transportation Worker Identification Credentials

Action: Notice of proposed rulemaking (NPRM)

Summary: The Transportation Security Administration (TSA) has a statutory obligation to recover its costs for conducting security threat assessments (STAs) and credentialing for Hazardous Materials Endorsements (HMEs) and Transportation Worker Identification Credentials (TWICs). These fees reimburse TSA for the costs of administering the programs. The proposed rule advises that future revisions to fee schedules will be published in the Federal Register.

Applicability: This proposed fee structure would be of interest to individuals required to have security checks because they have CDL with a hazmat endorsement or they have worker identification credentials that require a security background check.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-06-13/pdf/2012-14426.pdf>

06/11/2012 p 34194 – p 34206 Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste

Action: Final rule

Summary: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations that govern packaging and transportation of radioactive material and physical protection of plants and materials. Specifically, the amendments require licensees to provide advance notification to participating Federally recognized Tribal governments regarding shipments of irradiated reactor fuel and certain nuclear wastes for any shipment that passes within or across their reservations. This would have limited applicability to USACE except for some Formerly Utilized Sites Remedial Action Program (FUSRAP) projects that have very high activities in the waste.

Applicability: This rulemaking would be of interest to shippers of higher activity radioactive waste specifically if it is a Highway Route Control Quantity or irradiated reactor fuel or certain nuclear wastes.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-06-11/pdf/2012-14082.pdf>

05/30/2012 p 31815 – p 31827 Hazardous Materials Regulations: Combustible Liquids

Action: Withdrawal of Advance Notice of Proposed Rulemaking (ANPRM) and denial of petitions P-1498, P-1531, and P-136.

Summary: On April 5, 2010, PHMSA issued an Advance Notice of Proposed Rulemaking (ANPRM) in the Federal Register [75 FR 17111] under Docket No. PHMSA–2009–0241 (HM–242) soliciting comments on whether PHMSA should consider harmonization of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) applicable to the transportation of combustible liquids with the UN Recommendations, while maintaining an adequate level of safety, and posed a series of questions. The major issues being examined and addressed are: Safety (hazard communication and packaging integrity); International commerce (frustration/delay of international shipments in the port area); Increased burden on domestic industry (elimination of domestic combustible liquid exceptions); and Driver Eligibility (exception from placarding which would exempt seasonal workers from the Federal Motor Carrier Safety Administration’s Commercial Driver’s License (CDL) and Hazmat Endorsement requirements, and the Transportation Security Administration’s (TSA) fingerprinting and background check provisions). PHMSA also addressed three petitions for rulemaking in the April 5 ANPRM; two suggesting that domestic requirements for the transportation of combustible liquids should be harmonized with International standards, and one suggesting that the HMR should include more expansive domestic exceptions for shipments of combustible liquids. The issuance of this notice constitutes a decision by PHMSA to withdraw the April 5, 2010 ANPRM, and to deny the International Vessel Operators Dangerous Goods Association (IVODGA) petition, P–1498, the Dangerous Goods Advisory Council (DGAC) petition, P–1531, and the U.S. Customer Harvesters, Inc. petition, P–1536.

Applicability: This would be of interest to shippers of combustible liquids especially if they are international shipments.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-30/pdf/2012-12958.pdf>

05/25/2012 p 31274 – p 31289 Hazardous Materials: Harmonization with the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air

Action: Notice of proposed rulemaking (NPRM)

Summary: This document responds to administrative appeals and solicits public comment on proposals generated as a result of certain amendments adopted in an international harmonization final rule published in the Federal Register. The final rule amended the Hazardous Materials Regulations (HMR) by revising, removing or adding proper shipping names, the hazard class of a material, packing group assignments, special provisions, packaging authorizations, packaging sections, air transport quantity limitations, and vessel stowage requirements. The amendments were necessary to align the HMR with recent revisions to international standards for the transport of hazardous materials by all modes. In this notice, PHMSA proposes to amend the HMR as a result of administrative appeals submitted in response to various amendments adopted in the January 19, 2011 final rule. This document also addresses recent actions taken by the International Civil Aviation Organization’s (ICAO) Dangerous Goods Panel (DGP) regarding certain lithium ion battery-powered mobility aids (e.g., wheelchairs, travel scooters) offered by passengers for air transport. Further, this notice proposes amendments to the HMR as a result of

two administrative appeals submitted by an appellant in response to a final rule published in the Federal Register, that revised shipper responsibilities related to packaging design variation, manufacturer notification, and recordkeeping requirements for certain packaging types. Comments must be received by July 24, 2012.

Applicability: This NPRM would be of interest to shippers of hazardous materials.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-25/pdf/2012-12523.pdf>

05/24/2012 p 30976 – p 30988 Hazardous Materials: Miscellaneous Petitions for Rulemaking (RRR)

Action: Notice of proposed rulemaking (NPRM)

Summary: In response to petitions for rulemaking submitted by the regulated community, PHMSA proposes to amend the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) to update, clarify, or provide relief from miscellaneous regulatory requirements. Specifically, PHMSA is proposing to amend the recordkeeping and package marking requirements for third-party labs and manufacturers to assure the traceability of packaging; clarify an acceptable range in specifications for resins used in the manufacture of plastic drums and Intermediate Bulk Containers (IBCs); remove the listing for “Gasohol, gasoline mixed with ethyl alcohol, with not more than 10% alcohol, NA1203”; harmonize internationally and provide a limited quantity exception for Division 4.1, Self-reactive solids and Self-reactive liquids Types B through F; allow smokeless powder classified as a Division 1.4C material to be reclassified as a Division 4.1 material to relax the regulatory requirements for these materials without compromising safety; and provide greater flexibility by allowing the Dangerous Cargo Manifest to be in locations designated by the master of the vessel besides “on or near the vessel’s bridge” while the vessel is in a United States port. Comments must be received by July 23, 2012.

Applicability: This NPRM would be of interest to shippers of gasohol in addition to the other stated petitions.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-24/pdf/2012-12471.pdf>

05/23/2012 p 30473 – p 30481 Notice of Intent To Revise Stormwater Regulations To Specify That an NPDES Permit is Not Required for Stormwater Discharges From Logging Roads and To Seek Comment on Approaches for Addressing Water Quality Impacts From Forest Road Discharges

Action: Notice of Intent

Summary: The EPA intends to expeditiously propose revisions to its Phase I stormwater regulations to specify that stormwater discharges from logging roads are not stormwater discharges “associated with industrial activity.” This notice of intent is in response to the Ninth Circuit Court of Appeals which found in *Northwest Environmental Defense Center v. Brown* that certain logging roads are stormwater point sources “associated with industrial activity.” Additionally, EPA is seeking comment on approaches for addressing water quality impacts associated with discharges of stormwater from forest roads.

Applicability: This notice should be of interest to those closely following EPA’s stormwater management program and recent court cases involving logging roads.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-23/pdf/2012-12524.pdf>

05/22/2012 p 30280 – p 30282 Final National Recommended Ambient Water Quality Criteria for Carbaryl - 2012

Action: Notice of availability of final criteria.

Summary: On November 1, 2011 EPA published a draft national recommended water quality criteria for carbaryl. That recommendation has been finalized in this notice.

Applicability: This notice should be of interest to staff involved in water quality management and the NPDES compliance program.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-22/pdf/2012-12369.pdf>

05/18/2012 p 29758 – p 29846 Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures

Action: Final Rule

Summary: This rule modifies the testing procedures approved for analysis and sampling under the Clean Water Act. EPA proposed these changes for public comment on September 23, 2010. The changes adopted in this final rule fall into the following categories: New and revised EPA methods and new and revised methods published by voluntary consensus standard bodies (VCSB), such as ASTM International and the Standard Methods Committee; updated versions of currently approved methods; methods reviewed under the alternate test procedures (ATP) program; clarifications to the process for EPA approval for use of alternate procedures for nationwide and Regional use; minimum quality control requirements to improve consistency across method versions; corrections to previously approved methods; and revisions to sample collection, preservation, and holding time requirements. Finally, EPA makes changes to three effluent guideline regulations.

Applicability: Staff involved with the CWA permitting and compliance processes should be aware of method updates and modifications.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-18/pdf/2012-10210.pdf>

05/16/2012 p 29168 – p 29205 Effluent Limitations Guidelines and New Source Performance Standards for Airport Deicing Category

Action: Final Rule

Summary: EPA is promulgating technology-based effluent limitations guidelines (ELGs) and new source performance standards (NSPS) under the Clean Water Act (CWA) for discharges from airport deicing operations. The requirements generally apply to wastewater associated with the deicing of airfield pavement at primary airports. The rule requires all such airports to comply with requirements based on substitution of less toxic pavement deicers that do not contain urea. The rule also establishes NSPS for wastewater discharges associated with aircraft deicing for a subset of new airports. These airports must also meet requirements based on collection of deicing fluid and treatment of the collected fluid. The rule is effective June 15, 2012.

Applicability: Staff involved in the military construction mission should be aware of this final rule promulgation

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-16/pdf/2012-10633.pdf>

05/14/2012 p 28259 – p 28261 Postal Service: Mailings of Lithium Batteries

Action: Final rule

Summary: The Postal Service will revise the Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMMR) 601.10.20, to incorporate standards that prohibit the

outbound international mailing of lithium batteries and devices containing lithium batteries. This prohibition also extends to the mailing of lithium batteries to and from an APO, FPO, or DPO location [APO: Air/Army Post Office; FPO: Fleet Post Office; DPO: Designated Post Office]. However, this prohibition does not apply to lithium batteries authorized under DMM 601.10.20 when mailed within the United States or its territories. There are very specific requirements that must be followed in order to ship lithium batteries (Primary: Non-rechargeable or Secondary: Rechargeable) domestically within the US. The effective date of this rule is May 16, 2012.

Applicability: This would be of interest to anyone that might consider shipping lithium batteries through the US Post Office.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/pdf/2012-11459.pdf>

05/10/2012 p 27368 – p 27374 National Priorities List, Final Rule No. 54

Action: Final rule

Summary: This rule adds three sites to the General Superfund Section of the National Priorities List.

Applicability: This rule may be of general interest to persons involved in CERCLA remediation projects because the preamble provides an overview of the CERCLA and National Contingency Plan process for placing sites on the NPL, removing sites from the NPL, etc.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-10/pdf/2012-11289.pdf>

05/08/2012 p 27057 – p 27059 Request for Nominations of Drinking Water Contaminants for the Fourth Contaminant Candidate List

Action: Notice and request for public comment

Summary: EPA is requesting nominations for chemical and microbial contaminants for possible inclusion in the 4th Drinking Water Candidate List (CCL4). Nominations are due by 22 June 2012.

Applicability: This notice is provided for general interest. Placing contaminants on the CCL is the first step toward evaluating whether the contaminant should be regulated under the Safe Drinking Water Act.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-08/pdf/2012-11048.pdf>

05/02/2012 p 26072 – p 26101 Revisions to the Unregulated Contaminant Monitoring Regulations (UCMR #3) for Public Water Systems

Action: Final rule

Summary: This lists unregulated contaminants to be monitored for in drinking water to collect data to evaluate whether regulation is warranted. It includes 28 chemicals and 2 viruses.

Applicability: This applies to community water systems and to non-transient, non-community water systems.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-05-02/pdf/2012-9978.pdf>

04/26/2012 p 24885 – p 24907 Hazardous Materials; Miscellaneous Amendments (RRR)

Action: Notice of proposed rulemaking (NPRM)

Dates: Comments must be received by June 25, 2012

Summary: PHMSA proposes to make miscellaneous amendments to the Hazardous Materials Regulations to update and clarify certain regulatory requirements. These proposed amendments are designed to promote safer transportation practices; eliminate unnecessary regulatory

requirements; address a petition for rulemaking; incorporate a special permit into the Hazardous Materials Regulations; facilitate international commerce; and simplify the regulations. Among other provisions, PHMSA is proposing to update various entries in the Hazardous Materials Table and corresponding special provisions, clarify the lab pack requirements for temperature-controlled materials, and revise the training requirements to require that a hazardous material employer must make hazardous materials employee training records available upon request to an authorized official of the Department of Transportation (DOT) or the Department of Homeland Security (DHS).

Applicability: These proposed amendments to the hazardous material regulations would be of interest to shippers of hazardous materials.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-04-26/pdf/2012-9895.pdf>

04/19/2012 p 23409 – p 23419 Toxics Release Inventory (TRI) Reporting for Facilities Located in Indian Country and Clarification of Additional Opportunities Available to Tribal Governments Under the TRI Program

Action: Final rule.

Summary: Under this final rule, TRI reporting facilities located in Indian country are required to report to the appropriate tribal government of their relevant area instead of to the State. This rule also improves and clarifies opportunities allowing tribal governments to participate more fully in the TRI program.

Dates: This final rule is effective April 19, 2012. The requirement of facilities located in Indian country to report to tribal governments is applicable beginning with TRI reporting year 2012 (TRI reports due by July 1, 2013).

Applicability: Federal Facilities located in Indian country where toxic chemicals are used in access of an applicable threshold quantity as referenced in 40 CFR 372.25, 372.27, or 372.28.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-04-19/pdf/2012-9442.pdf>

04/18/2012 p 23365 Federal Acquisition Regulation; Biobased Procurements

Action: Final rule

Summary: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement changes due to the Farm Security and Rural Investment Act that require contractors to report the biobased products purchased under service and construction contracts.

Applicability: This reporting will enable agencies to monitor compliance with the Federal preference for purchasing biobased products.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-04-18/pdf/2012-9201.pdf>

04/16/2012 p 22504 – p 22509 Hazardous Material; Packages Intended for Transport by Aircraft

Action: Final rule

Summary: PHMSA is amending the Hazardous Materials Regulations to require closures of inner packagings containing liquids within a combination packaging intended for transportation by aircraft to be secured by a secondary means or, where a secondary closure cannot be applied or it is impracticable to apply, permit the use of a leakproof liner. These amendments are

consistent with the 2011–2012 edition of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). Voluntary compliance is authorized on May 16, 2012 and the rule becomes effective on July 1, 2012.

Applicability: This rule would be of interest to shippers that offer hazardous materials that are liquids in the air mode.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-04-16/pdf/2012-8978.pdf>

04/13/2012 p 22229 – p 22232 Hazardous Waste Technical Corrections and Clarifications Rule

Action: Final rule

Summary: EPA is publishing today's final rule to address the adverse comments received on a June 4, 2010 partial withdrawal notice.

Applicability: This action pertains to conforming change to 40 CFR 266.20(b); and correcting the information regarding the entry for K107 in the table at 40 CFR 261.32(a).

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-04-13/pdf/2012-8924.pdf>

04/11/2012 p 21714 – p 21716 Hazardous Materials: Transportation of Lithium Batteries

Action: Notice of proposed rulemaking; request for additional comment

Summary: PHMSA is seeking comment on the impact of changes to the requirements for the air transport of lithium cells and batteries that have been adopted into the 2013– 2014 International Civil Aviation Organization Technical Instructions on the Transport of Dangerous Goods by Air (ICAO Technical Instructions). PHMSA is considering whether to harmonize with these requirements and is publishing this notice to allow interested persons an opportunity to supplement comments to our January 11, 2010, Notice of Proposed Rulemaking (NPRM). Comments are due by May 11, 2012.

Applicability: This notice of proposed rulemaking would be of interest to shippers of lithium batteries.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-04-11/pdf/2012-8550.pdf>

04/04 2012 p 20281 – p 20291 Designation of Product Categories for Federal Procurement

Action: Final rule

Summary: The USDA is designating product categories as part of the BioPreferred Program. This establishes minimum biobased contents for each of these product categories and affords these materials preference for Federal procurement. This program overlaps with EPA's Comprehensive Procurement Guideline program for recycled content products under RCRA 6002.

Applicability: This pertains to sustainability efforts and establishes a federal procurement preference for certain items. This rule includes items such as printer toner inks and blast media.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-04-04/pdf/2012-8068.pdf>

04/03/2012 p 20218 - 20272 Substances Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Sulfur

Action: Final rule

Summary: This final rule is being issued as required by a consent decree governing the schedule for completion of this review of the air quality criteria and the secondary national ambient air

quality standards (NAAQS) for oxides of nitrogen and oxides of sulfur. Based on its review, the EPA is retaining the current nitrogen dioxide (NO₂) and sulfur dioxide (SO₂) secondary standards to address the direct effects on vegetation of exposure to gaseous oxides of nitrogen and sulfur.

Applicability: This final rule would be of interest to USACE Civil Works Compliance and possibly individuals tracking GHG.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-04-03/pdf/2012-7679.pdf>

04/03/2012 p 20022 Substances To Be Evaluated for Set 26 Toxicological Profiles

Action: Request for comments on the proposed substances to be evaluated for Set 26 toxicological profiles

Summary: CERCLA requires ATSDR to prepare and to periodically revise toxicological profiles. This notice announces the list of substances that will be evaluated and ATSDR is soliciting public nominations evaluation.

Applicability: Modified toxicological profiles are relevant factors considered during five-year reviews conducted under CERCLA.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-04-03/pdf/2012-7975.pdf>

03/28/2012 p 18871 – p 18872 Administrative Guide for Verifying Compliance With Packaging Requirements for Shipment and Receipt of Radioactive Material

Action: Regulatory guide; issuance

Summary: The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing a revision to Regulatory Guide 7.7, “Administrative Guide for Verifying Compliance with Packaging Requirements for Shipment and Receipt of Radioactive Material.” This regulatory guide describes an approach the staff of the NRC considers acceptable for meeting the administrative requirements associated with the shipment and receipt of radioactive materials. The focus of this document is for Type B or Type AF packages and includes guidance on how to plan the shipments, select the correct packaging, prepare the packages for shipment, receive and open the packages, and recordkeeping. This guide may be downloaded from the NRC library at <http://www.nrc.gov/reading-rm/adams.html>. In searching for the document in the NRC ADAMS system it is important to use the Accession No. ML112160407.

Applicability: This would be of interest to shippers of Type B or Type AF packages of Class 7 (radioactive) material.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-03-28/pdf/2012-7438.pdf>

03/12/2012 p 14473 – p 14480 Final Guidance on Improving the Process for Preparing Efficient and Timely Environmental Reviews Under the National Environmental Policy Act

Action: Notice of availability, final guidance.

Summary: The Council on Environmental Quality (CEQ) is issuing its final guidance on Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act. The National Environmental Policy Act (NEPA) and CEQ Regulations implementing NEPA provide numerous techniques for preparing efficient and timely environmental reviews. CEQ is issuing this guidance for Federal departments and agencies to emphasize and clarify that these techniques are available for all NEPA Environmental Assessments and Environmental Impact Statements.

Applicability: This notice and final guidance would be of interest primarily to USACE Civil Works Compliance and Navigation as well as all DoD agencies proposing new actions required to comply with NEPA.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-03-12/pdf/2012-5812.pdf>

03/09/2012 p 14445 Leakage Tests on Package for Shipment of Radioactive Material

Action: Regulatory guide; issuance

Summary: The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing a revision to Regulatory Guide 7.4, "Leakage Tests on Packages for Radioactive Material." This guidance pertains to Type B packages and gives licensees and applicants with a method the NRC considers acceptable for meeting the containment criteria for Type B packages.

Applicability: This notice of available NRC guidance would be of potential interest for shippers of a Type B quantity of radioactive material.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-03-09/pdf/2012-5751.pdf>

02/29/2012 p 12293 – p 12295 PCB Bulk Product v. Remediation Waste

Action: Request for Public Comment.

Summary: EPA is proposing to reinterpret their position regarding PCB-contaminated building materials for disposal. Current EPA guidance states that building materials contaminated by the migration of PCBs from PCB bulk product waste, such as caulk or paint, is considered PCB remediation waste at the time of disposal. The proposed reinterpretation would allow building material (i.e. substrate) "coated or serviced" with PCB Bulk product waste at the time of disposal to be managed as a PCB Bulk product waste even if the PCBs have migrated from the overlying bulk product waste to the substrate. However, if the building material is not "coated or serviced" (the caulk or paint has been removed from the building material) at the time of disposal and the substrate is contaminated with PCBs that have migrated from the bulk product waste, the substrate would be considered a PCB remediation waste.

Dates: Comments are due March 30, 2012.

Applicability: This would be of interest to all DoD facilities with buildings dating prior to 1978. PCBs were used as an ingredient in these building materials (e.g. paint and caulk) from the 1950s through the 1970.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-02-29/pdf/2012-4860.pdf>

02/15/2012 p 8757 – p 8758 Revising Underground Storage Tank Regulations –Revisions to Existing Requirements for Secondary Containment and Operator Training

Action: Proposed rule; extension of comment period.

Summary: EPA is extending the public comment period for the proposed changes to the 1988 underground storage tank (UST) technical, financial responsibility, and state program approval regulations published in the Federal Register on November 18, 2011 (76 FR 71708).

Dates: Comments are due April 16, 2012.

Applicability: This would be of interest to all DoD facilities with USTs, field-constructed tanks, airport hydrant systems and wastewater treatment tank systems.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-02-15/pdf/2012-3589.pdf>

02/13/2012 p 8078 – p 8080 Nuclear Regulatory Commission; Unified Agenda of Federal Regulatory and Deregulatory Actions

Action: Semiannual regulatory agenda

Summary: The Nuclear Regulatory Commission is publishing its semiannual regulatory agenda in accordance with Public Law 96-354. This issuance updates any action occurring on rules since publication of the last semiannual agenda on July 7, 2011.

Applicability: This notice would be of interest to individuals dealing with radioactive materials.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-02-13/pdf/2012-1668.pdf>

02/13/2012 p 8004 – p 8012 Environmental Protection Agency Fall 2011 [2012] Regulatory Agenda

Action: Semiannual regulatory flexibility agenda and semiannual regulatory agenda

Summary: This announces that EPA publishes the semiannual regulatory agenda online at <http://www.reginfo.gov> and at www.regulations.gov to update the public about regulations and major policies currently under development.

Applicability: This is relevant to all of EPA's regulatory programs (RCRA, CAA, CWA, OPA, TSCA, etc.).

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-02-13/pdf/2012-1656.pdf>

02/13/2012 p 7980 – p 7995 Department of Transportation; Department Regulatory Agenda: Semiannual Summary

Action: Semiannual Regulatory Agenda

Summary: The Agenda provides the public with information about the Department of Transportation's regulatory activity. The Agenda is published to enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity.

Applicability: This notice would be of interest to shippers of hazardous materials.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-02-13/pdf/2012-1653.pdf>

01/27/2012 p 4398 Safety Advisory Notice: Return of Radioactively Contaminated Tissue Holders Purchased from Bed Bath and Beyond

Action: Safety Advisory Notice

Summary: PHMSA has been notified that Bed Bath and Beyond sold a number of tissue holders in the United States, identified as the Dual Ridge Metal tissue holder, model number DR9M, that emit low levels of radiation. PHMSA and the Nuclear Regulatory Commission believe that there is no immediate danger to the public; however, PHMSA is advising persons in possession of the contaminated tissue holders that they should arrange with Bed Bath and Beyond for their safe return. Any person in possession of this item should call Bed Bath and Beyond at 1-(800) 462-3966 to obtain information about the proper return procedures. The highest identified radioactivity level on the surface of the tissue holders was approximately 20 mrem/hr. This could result in a maximum dose of 500-700 mrem to a person that is in close contact with the tissue holder for 8 hours per day.

Applicability: This notice is for general information.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2012-01-27/pdf/2012-1714.pdf>

12/30/2011 p 82163 – p 82179 Hazardous Materials: Harmonization With the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air

Action: Final rule

Summary: PHMSA is responding to administrative appeals and is providing clarifications and corrections to a final rule that was published on January 19, 2011. The previous rulemaking amended the Hazardous Materials Regulations (HMR) by revising, removing or adding proper shipping names, the hazard class of a material, packing group assignments, special provisions, packaging authorizations, and limited quantity marking. Of special interest to the shipper is the difference between the limited quantity marking for an air shipment versus all other modes.

Applicability: This rule would be of interest to shippers of hazardous materials.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-30/pdf/2011-33358.pdf>

12/28/2011 p 81396 – p 81400 Hazardous Materials: Miscellaneous Amendments; Response to Appeals; Corrections

Action: Correcting amendments

Summary: On July 20, 2011, PHMSA published a final rule under Docket Number PHMSA–2009–0151 (HM–218F) making miscellaneous amendments to the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). The amendments made by PHMSA in the July 20, 2011 final rule promote safer transportation practices; eliminate unnecessary regulatory requirements; finalize outstanding petitions for rulemaking; facilitate international commerce; and simplify the regulations. This final rule corrects errors in the pictorial display of labels, eliminates references to transitional provisions that were previously removed from the HMR, clarifies shipping paper amendments, corrects an editorial error, and extends the effective date of certain shipping paper amendments adopted in the July 20, 2011 final rule.

Applicability: This correction would be of interest to shippers of hazardous materials including Class 9 shipments.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-28/pdf/2011-33193.pdf>

12/27/2011 p 80727 – p 80728 Flexible Implementation of the Mercury and Air Toxics Standards Rule

Action: Presidential Document

Summary: This is a memo regarding the final Mercury and Air Toxics Standards rule for power plants which is intended to control emissions of mercury and other toxic air pollutants from power plants.

Applicability: This pertains to power plants and is provided for general information purposes.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-27/pdf/2011-33337.pdf>

12/16/2011 p 78256 – p 78257 Request for Nominations of Experts for the Review of Approaches to Derive a Maximum Contaminant Level Goal for Perchlorate

Action: Notice

Summary: The EPA Science Advisory Board Staff Office requests public nominations for technical experts to form a panel to review the agency's approaches for deriving a maximum contaminant level goal for perchlorate.

Applicability: This is of interest to DoD because of remediation projects involving perchlorate.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-16/pdf/2011-32279.pdf>

12/08/2011 p 76716 – p 76725 Draft National Pollutant Discharge Elimination System (NPDES) General Permits for Discharges Incidental to the Normal Operation of a Vessel

Action: Notice of draft permit issuances and notice of public hearing

Summary: EPA Regions 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 are publishing for comment a draft NPDES Vessel General Permit (VGP) that would authorize discharges incidental to the normal operation of non-military and non-recreational vessels greater than or equal to 79 feet in length. If finalized, this draft VGP would replace the current VGP, which was issued in December 2008 and expires on December 19, 2013. EPA is also proposing a draft NPDES Small Vessel General Permit (sVGP) to authorize discharges incidental to the normal operation of non-military and non-recreational vessels less than 79 feet in length. EPA is proposing the sVGP to authorize discharges from vessels less than 79 feet in length, because the P.L. 110–299 moratorium (subsequently extended by P.L. 111– 215) expires on December 18, 2013. These laws generally provide that no NPDES permits shall be required for incidental discharges (except discharges of ballast water) from vessels less than 79 feet and commercial fishing vessels. EPA is soliciting comment on today’s draft VGP and draft sVGP. Comments must be submitted on or before February 21, 2012.

Applicability: This notice and request for comments would be of interest to USACE Civil Works Compliance and Navigation.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-08/pdf/2011-31576.pdf>

12/05/2011 p 75950 – p 75951 Hazardous Materials: Emergency Restriction/Prohibition Order

Action: Emergency Restriction/Prohibition Order

Summary: PHMSA issued Emergency Order (2011-001) that prohibits the filling, offering, and transportation of cylinders containing the experimental “TyLar” gas. This order was issued in response to a pattern of explosions in California that constitute an imminent hazard under 49 CFR 109.1. The effective date of this order was November 17, 2011. The DOT Docket Number for this order is PHMSA-2011-0303.

Applicability: This provided for general information.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-05/pdf/2011-31054.pdf>

12/02/2011 p 75470 – p 75488 Drivers of CMVs: Restricting the Use of Cellular Phones

Action: Final rule

Summary: FMCSA and PHMSA are amending the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMR) to restrict the use of hand-held mobile telephones by drivers of commercial motor vehicles (CMVs). This rulemaking will improve safety on the Nation’s highways by reducing the prevalence of distracted driving-related crashes, fatalities, and injuries involving drivers of CMVs. The Agencies also amend their regulations to implement new driver disqualification sanctions for drivers of CMVs who fail to comply with this Federal restriction and new driver disqualification sanctions for commercial driver’s license (CDL) holders who have multiple convictions for violating a State or local law or ordinance on motor vehicle traffic control that restricts the use of handheld mobile telephones. Additionally, motor carriers are prohibited from requiring or allowing drivers of CMVs to use hand-held mobile telephones. This rule is effective January 3, 2012.

Applicability: This would be of interest to drivers of commercial motor vehicles.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-02/pdf/2011-30749.pdf>

11/18/2011 p 71708 – p 71796 Revising Underground Storage Tank Regulations –Revisions to Existing Requirements for Secondary Containment and Operator Training

Action: Proposed rule.

Summary: EPA is proposing revisions to strengthen the 1988 federal underground storage tank (UST) regulations by increasing emphasis on properly operating and maintaining UST equipment. The revisions will also help ensure all USTs in the United States, including those in Indian Country, meet the same minimum standards. EPA’s proposed rule revises the UST technical regulation in 40 CFR 280 by:

- Adding secondary containment requirements for new and replaced tanks and piping
- Adding operator training requirements for UST system owners and operators
- Adding periodic operation and maintenance requirements for UST systems
- Removing certain deferrals
- Adding new release prevention and detection technologies
- Updating codes of practice
- Making editorial and technical corrections

EPA is also proposing to update the state program approval (SPA) requirements in 40 CFR 281 to incorporate the proposed changes to the UST technical regulation listed above.

Dates: Comments are due February 16, 2012. Comments on the information collection provisions are best assured of having full effect if the Office of Management and Budget (OMB) receives a copy of your comments on or before December 19, 2011.

Applicability: This would be of interest to all DoD facilities with USTs, field-constructed tanks, airport hydrant systems and wastewater treatment tank systems.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-11-18/pdf/2011-29293.pdf>

11/16/2011 p 71124 Safety Advisory: Unauthorized Marking of Compressed Gas Cylinders

Action: Safety Advisory Notice

Summary: An undetermined number of high pressure DOT specification cylinders were improperly marked from approximately August 2007 to August 2011 and marked with a RIN of B377. This notice advises the public that PHMSA has recently confirmed the marking and sale of certain high pressure DOT specification cylinders that were marked with a requalification identification number (RIN) without performing a visual inspection and hydrostatic test. The company that marked the cylinders does not have authority from the Associate Administrator to requalify high pressure DOT cylinders. The evidence suggests that if a cylinder purchased from Morgan Welding and Supply, Albion, Michigan is marked with a “B377” in which the individual letter and numbers appear to be stamped individually, the mark may have been improperly placed on the cylinder. The cylinder did not undergo the complete series of safety tests and inspections required by the Hazardous Materials Regulations (HMR) and may not possess the structural integrity to safely contain its contents under pressure during normal transportation and use.

Applicability: This would be of interest to USACE personnel that use or transport compressed gas cylinders.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-11-16/pdf/2011-29495.pdf>

11/16/2011 p 70927- p 70929 USACE’s Plan for Retrospective Review Under E. O. 13563

Action: Notice of intent and request for comments

Summary: USACE is seeking public input on its plan to retrospectively review its Regulations implementing the USACE Regulatory Program at 33 CFR 320-332 and 334. Executive Order 13563 directs Federal agencies to review regulations and identify those that can be made more effective or less burdensome. Section 404(e) of the Clean Water Act authorizes USACE to development general permits, including nationwide permits (NWP), for minor activities in waters of the U.S. for a period of five years. Accordingly, every five years, USACE undergoes a reauthorization process for the NWP program and includes public notice and provides an opportunity for public hearing. Comments for the NWP program are submitted during the reauthorization process. Therefore, USACE is currently complying with the E.O. 13563 direction to periodically review its existing significant regulations. Other regulations will be reviewed on an as-needed basis in accordance with new laws, court cases, etc.

Applicability: This pertains to USACE regulation program.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-11-16/pdf/2011-29633.pdf>

11/07/2011 p 68750 – 68756 Final National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit for Point Source Discharges From the Application of Pesticides

Action: Notice of final permit

Summary: EPA is providing notice that the pesticide general permit (PGP) has been finalized for geographic regions and federal facilities where EPA is the permitting authority. The effective date of the permit is October 31, 2011. A copy of the permit is available on EPA's pesticide website: <http://www.epa.gov/npdes/pesticides>. Notice of intent to discharge requirements need to be filed no later than January 12, 2012 for existing discharges. Authorized States may have differing schedules and requirements. Consult your State NPDES permit POC for details.

Applicability: The pesticide general permit has direct applicability to Civil Works and Military Construction missions and is relevant to the Installation Restoration Program.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-11-07/pdf/2011-28770.pdf>

11/03/2011 p 68183 Highlights of the Exposure Factors Handbook: 2011 Update Release of Final Report

Action: Notice of availability

Summary: This announces the release of the report "Highlights of the Exposure Factors Handbook: 2011 Update". It provides a summary of the recommended exposure factors extracted from the "Exposure Factors Handbook" published on September 30, 2011 and is available at <http://www.epa.gov/ncea>.

Applicability: This may be of interest to persons involved in risk assessment and/or environmental cleanup.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-11-03/pdf/2011-28522.pdf>

11/3/2011 p 68170 Instructions for Implementing Sustainable Locations for Federal Facilities in Accordance With Executive Order 13514

Action: Notice of availability of sustainable locations for Federal facilities implementing instructions

Summary: The Council on Environmental Quality has issued instructions to Federal agencies for integrating sustainable facility location decision-making principles into agency policies and practices, as required under Executive Order 13514, "Federal Leadership in Environmental, Energy, and Economic Performance." The purpose of the Executive Order is to

establish an integrated strategy toward sustainability in the Federal Government including, efforts to operate high performance sustainable buildings in sustainable locations, and strengthen the vitality and livability of the communities for Federal agencies. Section 2(f) of the E.O. 13514 directs agencies to “advance regional and local integrated planning by ... participating in regional transportation planning and recognizing existing community transportation infrastructure;... ensuring that planning for new Federal facilities or new leases includes consideration of sites that are pedestrian friendly, near existing employment centers, and accessible to public transit, and emphasizes existing central cities and, in rural communities, existing or planned town centers.” Section 5(b) of E.O. 13514 directs the Chair of CEQ to issue instructions to implement the Executive Order. The Instructions for Implementing Sustainable Locations for Federal Facilities are now available at:

<http://www.whitehouse.gov/administration/eop/ceq/sustainability/sustainable-locations>

Applicability: The Executive Order and implementing instructions apply to all Federal agencies, including Department of Defense.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-11-03/pdf/2011-28474.pdf>

11/3/2011 p 68193 – p 68194 Notice of Revised Priority List of Hazardous Substances That Will Be the Subject of Toxicological Profiles

Action: Notice

Summary: This announcement a revised Priority List of 275 hazardous substances. ATSDR periodically revises toxicological profiles on hazardous substances included in the priority list.

Applicability: CERCLA requires preparation of the Priority List of Hazardous Substances commonly found at facilities on the CERCLA National Priorities List.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-11-03/pdf/2011-28477.pdf>

10/28/2011 p 66886 – p 66887 Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews; Extension of Comment Period Closing Date

Action: Proposed rule; extension of the public comment period

Summary: The EPA is announcing that the period for providing public comments on the August 23, 2011 proposed rule titled, “Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews,” is being extended to November 30, 2011.

Applicability: May be applicable to CW projects involved in leasing lands for oil and natural gas.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-28/pdf/2011-27961.pdf>

10/27/2011 p 66717 – p 66718 Notification of a Public Teleconference of the Clean Air Scientific Advisory Committee Air Monitoring and Methods Subcommittee

Action: Notice

Summary: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public teleconference of the Clean Air Scientific Advisory Committee (CASAC) Air Monitoring and Methods Subcommittee (AMMS) to discuss its draft report on EPA's draft Near-Road NO₂ Monitoring Technical Assistance Document.

Applicability: May be applicable to the Greenhouse Gas initiative, particularly for CW.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-27/pdf/2011-27808.pdf>

10/27/2011 p 66718 Clean Air Act Advisory Committee (CAAAC): Notice of Meeting

Action: Notice of meeting

Summary: The Environmental Protection Agency (EPA) established the Clean Air Act Advisory Committee (CAAAC) on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical, scientific and enforcement policy issues.

Applicability: For general information.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-27/pdf/2011-27811.pdf>

10/26/2011 p 66286 – 66304 Notice of Final 2010 Effluent Guidelines Program Plan

Action: Notice

Summary: This notice presents the final 2010 Effluent Guidelines Program Plan (“final 2010 Plan”), which, as required under the Clean Water Act (CWA), identifies any new or existing industrial dischargers, both those discharging directly to surface waters and those discharging to publicly owned treatment works (POTWs), selected for effluent guidelines rulemaking and provides a schedule for such rulemakings. CWA section 304(m) requires EPA to biennially publish such a plan after public notice and comment. The Agency published the preliminary 2010 Plan on December 28, 2009 (74 FR 68599) and solicited comments from the public for 60 days.

Applicability: For general information. Those interested in the Effluent Guideline Program and development process should find this notice of interest.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-26/pdf/2011-27742.pdf>

10/25/2011 p 66128 – p 66130 Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles

Action: Correcting amendments

Summary: This document contains corrections to the final rule regulations (49 CFR parts 523 and 535), which were published in the Federal Register on September 15, 2011 (76 FR 57106). These regulations established fuel efficiency standards for medium- and heavy-duty engines and vehicles, as prescribed under the Energy Independence and Security Act (49 U.S.C. 32902(k)(2)).

Applicability: May be applicable to CW projects and sustainability initiatives.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-24/pdf/2011-27433.pdf>

10/24/2011 p 65722 – p 65723 Notification of Two Public Teleconferences; Clean Air Scientific Advisory Committee

Action: Notice

Summary: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces two public teleconferences of the chartered Clean Air Scientific Advisory Committee (CASAC) to discuss its draft review of EPA's Integrated Science Assessment for Lead (First External Review Draft, May 2011) and EPA's draft Near-Road NO₂ Monitoring Technical Assistance Document.

Applicability: For general information.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-24/pdf/2011-27433.pdf>

10/20/2011 p 65138 – p 65139 Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews; Correction of Comment Period Closing Date

Action: Proposed rule; correction of public comment period closing date

Summary: The EPA is announcing that the period for providing public comments on the August 23, 2011, “Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews,” closes on October 31, 2011. This notice does not address the requests the EPA has received for extending this period.

Applicability: Provided for general information.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-20/pdf/2011-27237.pdf>

10/20/2011 p 65139 – p 65153 Protection of Stratospheric Ozone: The 2012 Critical Use Exemption From the Phaseout of Methyl Bromide

Action: Proposed rule

Summary: EPA is proposing uses that qualify for the 2012 critical use exemption and the amount of methyl bromide that may be produced, imported, or supplied from existing pre-phaseout inventory for those uses in 2012. EPA is taking action under the authority of the Clean Air Act to reflect a recent consensus decision taken by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer at the Twenty-Second Meeting of the Parties. EPA is seeking comment on the list of critical uses and on EPA's determination of the amounts of methyl bromide needed to satisfy those uses.

Applicability: For general information.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-20/pdf/2011-27186.pdf>

10/18/2011 p 64974 – p 64975 Proposed CERCLA Administrative Cost Recovery Settlement; ACM Smelter and Refinery Site, Located in Cascade County, MT

Action: Notice; request for public comment

Summary: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past and projected future response costs concerning the ACM Smelter and Refinery NPL Site (Site), Operable Unit 1, located near Great Falls, in Cascade County, Montana, with the following settling parties: Atlantic Richfield Company and ARCO Environmental Remediation, L.L.C. The settlement requires the settling parties to perform a remedial investigation and feasibility study in portions of Operable Unit 1 of the Site, and to pay \$1,050,000.00 to the Hazardous Substance Superfund for past response costs, as well as future response costs under the settlement. The settlement includes a covenant not to sue the settling parties pursuant to sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a).

Applicability: For general information.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-19/pdf/2011-26963.pdf>

10/18/2011 p 64974 – p 64975 Commerce in Explosives; List of Explosive Materials (2011R–18T)

Action: Notice of list of explosive materials

Summary: Pursuant to 18 U.S.C. 841(d) and 27 CFR 555.23, the Department must publish and revise at least annually in the Federal Register a list of explosives determined to be within the coverage of 18 U.S.C. 841 et seq. The list covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in 18 U.S.C. 841(c). This notice publishes the 2011 List of Explosive Materials.

Applicability: For general information purposes.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-19/pdf/2011-26963.pdf>

10/18/2011 p 64245 – 64248 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule – Compliance Date Amendment for Farms

Action: Direct Final Rule

Summary: EPA is taking direct final action to amend the date by which farms must prepare or amend, and implement their Spill Prevention, Control, and Countermeasure Plans to May 10, 2013. This rule is effective on November 7, 2011 without further notice, unless EPA receives adverse comment by November 2, 2011.

Applicability: For general information purposes.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-18/pdf/2011-27047.pdf>

10/17/2011 p 64055 – p 64058 Special Rules Governing Certain Information Obtained Under the Clean Air Act: Technical Correction

Action: Proposed rule

Summary: The EPA is proposing to correct an erroneous reference in EPA's procedures for handling data collected under the Mandatory Greenhouse Gas Reporting Rule, which are provided in the Special Rules Governing Certain Information Obtained under the Clean Air Act. The proposed correction would not change any requirements for entities regulated under the Mandatory Greenhouse Gas Reporting Rule or the final confidentiality determinations EPA has made for such data. In the "Rules and Regulations" section of this Federal Register, this correction is being made as a direct final rule without a prior proposed rule.

Applicability: For general information purposes.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-17/pdf/2011-26765.pdf>

10/17/2011 p 64059 – p 64065 Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of trans-1,3,3,3-tetrafluoropropene and 2,3,3,3-tetrafluoropropene

Action: Proposed rule

Summary: The EPA is proposing to revise the agency's definition of volatile organic compounds (VOCs) for purposes of preparing state implementation plans (SIPs) to attain the national ambient air quality standards (NAAQS) for ozone under Title I of the Clean Air Act (CAA). This proposed revision would add 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf) and trans-1,3,3,3-tetrafluoropropene (also known as HFO-1234ze) to the list of compounds excluded from the definition of VOC on the basis that these compounds make a negligible contribution to tropospheric ozone formation.

Applicability: This is relevant to military installations and civil works project in assessing compliance with SIPs to obtain NAAQS for ozone.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-17/pdf/2011-26768.pdf>

10/17/2011 p 64022 – p 64037 Hydrogen Sulfide; Community Right-to-Know Toxic Chemical Release Reporting

Action: Lifting of Administrative Stay for Hydrogen Sulfide

Summary: EPA is lifting the Administrative Stay of the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 toxic chemical release reporting requirements for hydrogen sulfide (Chemical Abstracts Service Number (CAS No.) 7783-06-4). Although the final rule listing hydrogen sulfide under section 313 of EPCRA remained in force, the stay deferred the reporting requirements for hydrogen sulfide while EPA completed this further evaluation. EPA completed its further evaluation and the Agency published a position that the stay should be lifted in the February 26, 2010, Federal Register document “Intent to Consider Lifting Administrative Stay; Opportunity for Public Comment.” By this current action, EPA is not revisiting the original listing decision, which was accomplished by final rule on December 1, 1993. Rather, EPA is lifting the Administrative Stay of the reporting requirements for hydrogen sulfide. Section 313 of EPCRA, 42 U.S.C. 11023, requires certain facilities that manufacture, process, or otherwise use listed toxic chemicals in amounts above reporting threshold levels to report their environmental releases and other waste management quantities of such chemicals annually. These facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (PPA), 42 U.S.C. 13106.

Dates: This action is effective on October 17, 2011, such that the first reports on hydrogen sulfide will be due on July 1, 2013 for reporting year 2012.

Applicability: This reporting requirement is applicable to all federal facilities that process, or otherwise use hydrogen sulfide.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-17/pdf/2011-23534.pdf>

10/14/2011 p 63954 – p 63955 Special Rules Governing Certain Information Obtained Under the Clean Air Act: Technical Correction

Action: Direct final rule

Summary: The EPA is taking direct final action to correct an erroneous reference in EPA's procedures for handling data required under the Mandatory Greenhouse Gas Reporting Rule, which are provided in the Special Rules Governing Certain Information Obtained Under the Clean Air Act. This correction does not change any requirements for entities regulated under the Mandatory Greenhouse Gas Reporting Rule or the final confidentiality determinations that EPA has made for such data.

Applicability: Relevant to sustainability initiatives.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-17/pdf/2011-26766.pdf>

10/12/2011 p 63252 – 63257 Hazardous and Solid Waste Management System: Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities

Action: Notice of data availability and request for comment

Summary: This announces and invites comments on additional information relative to a 6/21/2010 Federal Register regarding coal combustion residues from electric utilities.

Applicability: This issue has been of interest to DoD because projects sometimes involve reuse of coal combustion residues as components of concrete.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-12/pdf/2011-26086.pdf>

10/7/2011 p 62402 – 62403 Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods; Designation of One New Equivalent Method

Action: Notice of the designation of one new equivalent method for monitoring ambient air quality

Summary: The Environmental Protection Agency (EPA) has designated, in accordance with 40 CFR Part 53, one new equivalent method for measuring concentrations of ozone (O₃) in the ambient air.

Applicability: These apply to the measurement of ozone in ambient air.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-07/pdf/2011-26092.pdf>

10/04/2011 p 61269 – p 61278 Protection of Stratospheric Ozone: acceptability

Determination 26 for Significant New Alternatives Policy Program

Action: Determination of acceptability

Summary: This Determination of Acceptability expands the list of acceptable substitutes for ozone depleting substances under the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) program. The determinations concern new substitutes for use in the refrigeration and air conditioning, solvent cleaning and fire suppression sectors.

Applicability: Provided for general information.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-04/pdf/2011-25391.pdf>

10/04/2011 p 61293 – p 61294 Extension of Public Comment Period: Mandatory Reporting of Greenhouse Gases: Technical Revisions to the Electronics Manufacturing and the Petroleum and Natural Gas Systems Categories of the Greenhouse Gas Reporting Rule

Action: Extension of comment period

Summary: On September 9, 2011, EPA published a proposed action, Mandatory Reporting of Greenhouse Gases: Technical Revisions to the Electronics Manufacturing and the Petroleum and Natural Gas Systems Categories of the Greenhouse Gas Reporting Rule. In this action, EPA is extending the comment period for that action until October 24, 2011.

Applicability: This may be relevant to sustainability initiatives.

Reference: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-04/pdf/2011-25500.pdf>