



National Aeronautics and  
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

# Regulatory Tracking Summary

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*19 September 2008*

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

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## Acronyms

AAC = Alabama Administrative Code	NASA = National Aeronautics and Space Administration
ADEM = Alabama Department of Environmental Management	NESHAP = National Emission Standards for Hazardous Air Pollutants
ANPRM = Advance Notice of Proposed Rulemaking	NMAC = New Mexico Administrative Code
AO = Administrative Order	NPRM = Notice of Proposed Rulemaking
APA = Administrative Procedure Act	NRC = Nuclear Regulatory Commission
CAA = Clean Air Act	NRCS = Natural Resource Conservation System
CaRFG = California reformulated gasoline	NSPS = New Source Performance Standards
CAAWG = Clean Air Act Working Group	OAC = Ohio Administrative Code
CCR = <i>California Code of Regulations</i>	OAL = Office of Administrative Law
CFR = <i>Code of Federal Regulations</i>	OBD = On-board diagnostic
CHP = California Highway Patrol	OEHHA = Office of Environmental Health Hazard Assessment
CRNR = <i>California Regulatory Notice Register</i>	OEPA = Ohio Environmental Protection Agency
CWA = Clean Water Act	ORC = Ohio Regulatory Code
DBEDT = Department of Business, Economic Development & Tourism	OSFM = Office of State Fire Marshall
DMR = Discharge monitoring report	OSHA = Occupational Safety and Health Administration
DOE = U.S. Department of Energy	PFAC = Perfluoroalkyl carboxylate
DOH = Department of Health	PFAS = Perfluoroalkyl sulfonate
EPA = U.S. Environmental Protection Agency	PPE = Personal protective equipment
F.A.C. = Florida Administrative Code	RCRA = Resource Conservation and Recovery Act
F.S. = Florida Statute	RIN = Regulatory Identification Number
FAW = <i>Florida Administrative Weekly</i>	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
FDEP = Florida Department of Environmental Protection	SIC = Standard Industrial Classification
FMCSA = Federal Motor Carrier Safety Administration	SIP = State Implementation Plan
FMR = Federal Management Regulation	SJRWMD = St. Johns River Water Management District
FTR = Federal Travel Regulation	SNUR = Significant New Use Rule
FR = <i>Federal Register</i>	TAC = Texas Administrative Code
GHG = Greenhouse gases	TCEQ = Texas Commission on Environmental Quality
GSA = U.S. General Services Administration	TDY = Temporary duty
GSE = Ground support equipment	TRI = Toxic Release Inventory
HCFC = Hydrochlorofluorocarbon	U.S. = United States
IRIS = Integrated risk information system	UST = Underground storage tank
JSC = Johnson Space Center	Va.R. = <i>Virginia Register</i>
LAC = Louisiana Administrative Code	VAC = Virginia Administrative Code
LDEQ = Louisiana Department of Environmental Quality	VDEQ = Virginia Department of Environmental Quality
MDE = Maryland Department of the Environment	VOC = Volatile organic compound
Md.R. = <i>Maryland Register</i>	WSTF = White Sands Test Facility
NAAQS = National Ambient Air Quality Standards	
NAICS = North American Industry Classification System	

## 1.0 U.S. Federal Regulatory Review

### 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed091908-1	CAA Area Source NESHAP- Ferroalloys Production Facilities	09/15/2008	<a href="#">73 FR 53163</a>	Proposed Rule	Revision of Source Category List for Standards Under Section 112(k) of the CAA; and NESHAP for Area Sources: Ferroalloys Production Facilities [40 CFR Part 63]  Proposes to revise the area source category list to clarify that it includes all types of ferroalloys. Also proposes to add two additional products (calcium carbide and silicon metal) to the source category. Proposes NESHAP for area source ferroalloys production facilities, and to exempt the ferroalloys production area source categories from Title V permitting requirements. Comments due 10/15/2008, unless a public hearing is requested by 09/25/2008. If a hearing is requested, comments due 10/30/2008 [RIN 2060-AO13].	
Fed091908-2	CAA NAAQS for Sulfur Oxides	09/12/2008	<a href="#">73 FR 53002</a>	Notice	Integrated Science Assessment for Sulfur Oxides-Health Criteria  Announces the availability of a final document entitled " <a href="#">Integrated Science Assessment for Sulfur Oxides-Health Criteria</a> " and supplementary annexes. Document was prepared as part of the review of the primary NAAQS for sulfur oxides.	
Fed091908-3	Carcinogens Styrene	09/08/2008	<a href="#">73 FR 52059</a>	Notice	National Institute of Environmental Health Sciences  National Toxicology Program; Request for Public Comments on the Report on Carcinogens Expert Panel's Recommendation on Listing Status for Styrene in the 12th Report on Carcinogens and the Scientific Justification for the Recommendation  Invites public comment on the recommendation from an expert panel on the listing status for styrene in the 12th Report on Carcinogens and the scientific justification for the recommendation. The recommendation and scientific justification for styrene is available on the <a href="#">National Toxicology Program website</a> . Comments due 10/23/2008.	
Fed091908-4	Coast Guard Financial Responsibility for Water Pollution	09/17/2008	<a href="#">73 FR 53691</a>	Final Rule	Financial Responsibility for Water Pollution (Vessels) and Oil Pollution Act of 1990 Limits of Liability (Vessels and Deepwater Ports) [33 CFR Part 138]  Amends regulatory requirements for vessel operators to establish and maintain evidence of financial responsibility. Also implements changes in administration of the certificate of financial responsibility program and clarifies the current rule. Effective 10/17/2008 [RIN 1625-AA98].	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed091908-5	Coast Guard Transportation Worker Identification Credential	09/12/2008	<a href="#">73 FR 52924</a>	Notice	U.S. Coast Guard Transportation Worker Identification Credential Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License  Informs owners and operators of facilities located within Captain of the Port Zones Hampton Roads, Morgan City, New Orleans, Upper Mississippi River, Miami, Key West, and St. Petersburg that they must implement access control procedures using the <a href="#">Transportation Worker Identification Credential</a> no later than 01/13/2009.	
Fed091908-6	CWA Effluent Guidelines and Pretreatment Standards	09/15/2008	<a href="#">73 FR 53218</a>	Notice	Notice of Final 2008 Effluent Guidelines Program Plan  Presents a review of the existing effluent guidelines and pretreatment standards. Presents an evaluation of indirect dischargers without categorical pretreatment standards to identify potential new categories for pretreatment standards. Presents the final 2008 Effluent Guidelines Program Plan, which identifies any new or existing industrial categories selected for effluent guidelines rulemaking and provides a schedule for such rulemaking. Provides preliminary information on 2009 annual reviews and solicits comments, data, and information to assist in performing these reviews. Solicits public comment to identify industry sectors and facilities that use water efficiency practices that promote water efficiency, re-use, and recycling [RIN 2040-AE89].	
Fed091908-7	CWA Water Quality Criteria for Human Health-Acrolein and Phenol	09/15/2008	<a href="#">73 FR 53246</a>	Notice	Revision of National Recommended Water Quality Criteria for Acrolein and Phenol  Announces the availability of draft updated national recommended water quality criteria for the protection of human health for <a href="#">acrolein</a> and <a href="#">phenol</a> . Scientific views due 10/30/2008.	
Fed091908-8	GSA Federal Travel Regulation	09/11/2008	<a href="#">73 FR 52859</a>	Notice	General Services Administration FTR; Notice of GSA Bulletin FTR 08-10  Informs agencies that certain provisions of the FTR governing the authorization of actual subsistence expenses for official travel (both TDY and relocation) are temporarily waived as a result of Hurricane Gustav. As a result of the flooding and damage caused by Hurricane Gustav, agencies should consider delaying all non-essential TDY and relocation to the affected area for a period of 30 days. Bulletin is available on the <a href="#">GSA website</a> . Effective 08/30/2008 to 09/30/2009 unless extended or rescinded.	
Fed091908-9	GSA Fleet Vehicles- Deviation for Premium Fuel	09/11/2008	<a href="#">73 FR 52859</a>	Notice	General Services Administration FMR; Motor Vehicle Management; Notice of GSA Bulletin FMR B-20  Allows executive agencies to purchase premium fuel for government owned and leased vehicles when lower-grade fuels are not available due to market shortages in Louisiana, Mississippi, Alabama, and Texas as a result of flooding and damage from Hurricane Gustav. Bulletin is available on the <a href="#">GSA website</a> . Effective 08/30/2008 to 09/30/2009 unless extended or rescinded.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed091908-10	GSA Fleet Vehicles– Fuel Efficiency	09/19/2008	<a href="#">73 FR 54401</a>	Notice	General Services Administration FMR; Motor Vehicle Management; Notice of GSA Bulletin FMR B-19  Announces GSA FMR Bulletin B-19. The bulletin provides guidance to federal agencies on increasing fuel efficiency for federal motor vehicle fleets. Bulletin available on the <a href="#">GSA website</a> .	
Fed091908-11	Hazardous Materials Transportation	09/09/2008	<a href="#">73 FR 52557</a>	Proposed Rule	Pipeline and Hazardous Materials Safety Administration  Hazardous Materials: Risk-based Adjustment of Transportation Security Plan Requirements [49 CFR Part 172]  Proposes to modify security plan requirements governing the commercial transportation of hazardous materials by air, rail, vessel, and highway. Would narrow the list of materials subject to security plan requirements and reduce associated regulatory costs and paperwork burden. Would clarify certain requirements related to security planning, training, and documentation and incorporate recent international standards governing hazardous materials security. Comments due 11/10/2008 [RIN 2137-AE22].	
Fed091908-12	Hazardous Materials Transportation	09/16/2008	<a href="#">73 FR 53383</a>	Notice	Federal Motor Carrier Safety Administration FMCSA Policy on Considering the Preventability of Crashes in Administrative Review Requests of Hazardous Materials Safety Permit Denials based upon Crash Rates in the Top 30 Percent of the National Average  Notice of FMCSA policy that it will consider preventability when a motor carrier contests the denial of a hazardous materials safety permit based on a crash rate in the top 30 percent of the national average. The motor carrier must present compelling evidence that one or more of the crashes listed in the Motor Carrier Management Information System was not preventable and thus not reflective of the motor carrier's suitability to transport the type and quantity of hazardous materials that require a safety permit. Effective 09/16/2008.	
Fed091908-13	IRIS Carbon Tetrachloride	09/09/2008	<a href="#">73 FR 52352</a>	Notice	Draft Toxicological Review of Carbon Tetrachloride: In Support of the Summary Information in the IRIS  Announces an external peer review workshop to review the external review draft document titled, " <a href="#">Toxicological Review of Carbon Tetrachloride: In Support of Summary Information on the IRIS</a> ." Workshop to be held 10/14/2008 in Arlington, Virginia. Registration for workshop due 10/07/2008.	
Fed091908-14	Land-Applied Biosolids	09/19/2008	<a href="#">73 FR 54400</a>	Notice	Draft Problem Formulation for Human Health Risk Assessments of Pathogens in Land-Applied Biosolids  Announces the release of a pre-dissemination, external review draft titled, " <a href="#">Problem Formulation for Human Health Risk Assessments of Pathogens in Land-applied Biosolids</a> ." Comments due 11/03/2008. External peer-review workshop to be held 11/19/2008 in Cincinnati, Ohio.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed091908-15	NRCS National Handbook of Conservation Practices	09/17/2008	<a href="#">73 FR 53846</a>	Notice	Natural Resources Conservation Service Notice of Proposed Changes to the Natural Resources Conservation Service's National Handbook of Conservation Practices Notice of intent to issue a series of revised conservation practice standards in the <a href="#">National Handbook of Conservation Practices</a> . These standards include the following: <ul style="list-style-type: none"> <li>▪ Deep Tillage (Code 324)</li> <li>▪ Waste Transfer (Code 634)</li> <li>▪ Road/Trail/Landing Closure and Treatment (Code 654)</li> </ul> The standards are used by NRCS state offices to develop state conservation practice standards. These practices may be used in conservation systems that treat highly erodible land or on land determined to be a wetland. Comments due 10/17/2008.	
Fed091908-16	Nuclear Enforcement Policy	09/15/2008	<a href="#">73 FR 53286</a>	Notice	Nuclear Regulatory Commission NRC Enforcement Policy Revision Solicits comments on the <a href="#">proposed revised Enforcement Policy</a> . Comments due 11/14/2008.	
Fed091908-17	Nuclear Medical Use Programs	09/16/2008	<a href="#">73 FR 53451</a>	Notice	Notice of Issuance of Regulatory Guide Notice of issuance and availability of Regulatory Guide 10.8, Revision 3, " <a href="#">Guide for the Preparation of Applications for Medical Use Programs</a> ." Guide directs the reader to the type of information acceptable for review of an application for a medical use license. Guide is available on the NRC website.	
Fed091908-18	OSHA PPE and Training	09/18/2008	<a href="#">73 FR 54123</a>	Notice	Occupational Safety and Health Administration Clarification of Remedy for Violation of Requirements to Provide Personal Protective Equipment and Train Employees [29 CFR Parts 1910, 1915, 1917, 1918, and 1926] Notice of an informal public hearing to receive testimony and documentary evidence on the proposed rule for Clarification of Remedy for Violation of Requirements to Provide Personal Protective Equipment and Train Employees ( <a href="#">73 FR 48335</a> , 08/19/2008). Hearing to be held 10/06/2008 in Washington, DC. Parties must notify OSHA in writing no later than 09/26/2008, to present testimony at the hearing [RIN 1218-AC42].	

## 1.2 Status of Continuing Actions in Progress

This section provides the status of selected actions the RRAC PC currently is tracking for possible program-related impacts. Questions about any of these actions or suggestions for additions to this list should be directed to Sharon Scroggins.

	Significant Dates <i>italic = tentative</i>	Subject Action [RIN]	Type of Action	Comments
NPRM Final Action	<i>1/2009</i> <i>1/2011</i>	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations. Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.

	Significant Dates <i>italic = tentative</i>		Subject Action [RIN]	Type of Action	Comments
NPRM	<i>07/2008</i>		NESHAP: Risk and Technology Review, Phase II Group 2A [2060-AO91]	Pre-rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>01/2009</i>				Evaluation of residual risk remaining after implementation of NESHAP regulations. Could impose further restrictions on several types of sources. Includes the manufacture of various types of elastomers, such as Hypalon.
NPRM	<i>06/2008</i>		NESHAP: Risk and Technology Review, Phase II Group 2B [2060-AO92]	Pre-rule	Possible space vehicle materials or operations impacts.
Final Action	<i>01/2009</i>				Evaluation of residual risk remaining after implementation of NESHAP regulations. Could impose further restrictions on operations subject to the Aerospace NESHAP, including coating, stripping, and cleaning of space flight hardware.
NPRM	<i>11/2008</i>		HCFC Labeling [2060-AO68]	Pre-rule	Administrative requirement for certain space vehicle materials.
Final Action	<i>TBD</i>				Would require containers of materials containing HCFCs to bear warning statements.
ANPRM	07/30/2008	<a href="#">73 FR 44353</a>	Regulation of Greenhouse Gases under the CAA [2060-AP12]	Pre-Rule	Potential for program impacts unknown at this time. Solicits input regarding the regulation of GHGs under the CAA.
NPRM	07/14/2008	<a href="#">73 FR 40230</a>	Control Techniques Guidelines for Coating Operations [2060-AP01]	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Comments Due	08/13/2008				Proposes to set guidelines for states to use in establishing VOC limits in ozone non-attainment areas for the following five product categories: <ul style="list-style-type: none"> <li>▪ Miscellaneous metal products coatings</li> <li>▪ Plastic parts coatings</li> <li>▪ Auto and light-duty truck assembly coatings</li> <li>▪ Fiberglass boat manufacturing materials</li> <li>▪ Miscellaneous industrial adhesives</li> </ul> Could affect material formulations.
Final Action	<i>10/2008</i>				
NPRM	<i>07/2008</i>		National VOC Rule for Industrial Adhesives and Sealants [2060-AP02]	Pre-Rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>10/2008</i>				Will establish VOC limits for certain types of adhesives and sealants; could affect material formulations. Note: this rule may have been merged with the Control Techniques Guidelines activity above.
NPRM	<i>05/2008</i>		Area Source NESHAP for Miscellaneous Chemical Manufacturing [2060-AM19]	Pre-Rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>01/2009</i>				Will impose requirements on area sources that manufacture chemicals; could drive reformulations to avoid regulatory requirements.
NPRM	01/03/2007	<a href="#">72 FR 69</a>	NESHAP General Provisions—Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	<i>05/2009</i>				Could have an effect on how NESHAPs affect certain NASA Centers and vendor facilities.
NPRM	03/07/2006	<a href="#">71 FR 11483</a>	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	<i>10/2008</i>				Rule could limit new U.S. production of any new materials or significant uses of perfluorinated polymers including those containing PFASs; PFACs; fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.

### 1.3 Significant News and Other Developments

None to report.

## 1.4 Clean Air Act Working Group Updates

### 1.4.1 Clean Air Act Working Group Telecons for 2008

The CAAWG will hold telecons on 15 October and 19 November 2008 at 2 p.m. ET, 1 p.m. CT, 12 p.m. MT, and 11 a.m. PT.

Please send questions, comments, and suggestions for agenda topics to Sharon Scroggins (256-544-7932, [sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

## 2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

### 2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL091908-1	CAA SIP	09/15/2008	<a href="#">73 FR 53134</a>	Direct Final Rule	<p>Approval and Promulgation of Implementation Plans Alabama: Volatile Organic Compounds and Open Burning [40 CFR Part 52]</p> <p>On 01/08/2008, ADEM submitted proposed SIP revisions to EPA for review and approval into the Alabama SIP. The revisions include changes made by the State of Alabama to AAC Chapters 335-3-1 and 335-3-3. The rules became effective on 01/22/2008. EPA is now taking direct final action to approve the revisions, which include revising the definition of VOCs and updating an open burning regulation. These revisions are part of the state's strategy to meet the NAAQS by reducing emissions of VOCs. Comments due 10/15/2008.</p>	

### 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA091908-1	Air Diesel	09/19/2008	<a href="#">CRNR 2008, 38z, p. 1688</a>	Final Rule	<p><a href="#">Air Resources Board</a></p> <p>In-Use Off-Road Diesel Regulation [13 CCR 2449]</p> <p>Change without regulatory effect corrects an erroneous section number reference. Filed 09/08/2008.</p>	
CA091908-2	Air Gasoline	09/12/2008	<a href="#">CRNR 2008, 37z, p. 1641</a>	Final Rule	<p><a href="#">Air Resources Board</a></p> <p>California Reformulated Gasoline Regulations 2007 [13 CCR 2660-6, 2270-1, 2273]</p> <p>Amends CaRFG regulations to mitigate excess emissions associated with permeation from on-road motor vehicles. Effective 08/29/2008.</p>	
CA091908-3	Building Standards Ignition Resistance	09/12/2008	<a href="#">CRNR 2008, 37z, p. 1642</a>	Final Rule	<p><a href="#">Department of Housing and Community Development</a></p> <p>Ignition Resistance Construction System within Wildlife Urban Interface [25 CCR 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216]</p> <p>Incorporates by reference new <a href="#">OSFM</a> building standards and applies them to manufactured homes, mobile homes, and commercial modulars built or installed in a Wildlife-Urban Interface Fire area. Effective 08/29/2008.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA091908-4	Drinking Water	09/12/2008	<a href="#">CRNR 2008, 37z, p. 1612</a>	Proposed Action	<a href="#">Office of Environmental Health Hazard Assessment</a> Safe Drinking Water and Toxic Enforcement Act of 1986–Safe Use Determinations [27 CCR 25204]  Proposes to delete existing language providing that Safe Use Determinations are advisory only, and replace with language providing that Safe Use Determinations shall have a presumptive effect, increase the filing fee, and would create a time limit of 60 days for submission of additional material requested. Public hearing scheduled 11/07/2008 at California Environmental Protection Agency building, Costal Hearing Room, in Sacramento, California.	
CA091908-5	Endangered Species Plants	09/19/2008	<a href="#">CRNR 2008, 38z, p. 1690</a>	Final Rule	<a href="#">Fish and Game Commission</a>  Plants–Remove from Endangered and Rare Species Status [14 CCR 670.2]  Delists three plants from the list of rare plants: Marin bent grass, slender–pod jewelflower and Hanging Gardens manzanita. It also delists Truckee barberry from the list of endangered plants. Effective 10/04/2008.	
CA091908-6	Endangered Species	09/16/2008	<a href="#">73 FR 53491</a>	Proposed Rule	<a href="#">U.S. Fish and Wildlife Service</a>  Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the California Red-Legged Frog ( <i>Rana aurora draytonii</i> ) [50 CFR Part 17]  Proposes to revise designated critical habitat for the California red-legged frog ( <i>Rana aurora draytonii</i> ). Comments due 11/17/2008.	
CA091908-7	Hazardous Materials	09/19/2008	<a href="#">CRNR 2008, 38z, p. 1661</a>	Proposed Action	<a href="#">California Highway Patrol</a>  General Hazardous Materials Regulations [13 CCR 1160.3, 1160.4, 1160.5]  Proposes regulations to ensure the CHP maintains true and accurate records to outline and clarify different types of hazardous materials transportation licenses issued by the Department, to ensure the safe operation of vehicles and transportation of hazardous materials by carriers, and to provide the Department with enhanced capacity to ensure compliance with applicable requirements. Comments due 11/03/2008.	
CA091908-8	Motor Vehicles	09/08/2008	<a href="#">73 FR 52042</a>	Notice Waiver	<a href="#">U.S. Environmental Protection Agency</a>  California State Motor Vehicle Pollution Control Standards; Notice of Waiver of Clean Air Act Preemption; California's 2010 Model Year Heavy-Duty Vehicle and Engine On-Board Diagnostic Standards  Grants California request for a waiver CAA preemption for its 2010 and later model year heavy-duty vehicle and engine OBD requirements.	
CA091908-9	Pesticides VOC	09/12/2008	<a href="#">CRNR 2008, 37z, p. 1642</a>	Final Rule	<a href="#">Department of Pesticide Regulation</a>  Field Fumigant Emission Limits [3 CCR 6452.2]  Phases in VOC emissions standard for field fumigation in Ventura County. Effective 09/03/2008.	
CA091908-10	Proposition 65	09/12/2008	<a href="#">CRNR 2008, 37z, p. 1614</a>	Final Rule	<a href="#">Office of Environmental Health Hazard Assessment</a>  Chemicals Known to the State to Cause Cancer or Reproductive Toxicity  Governor's annually required revised and republished <a href="#">list of chemicals</a> known to the state to cause cancer or reproductive toxicity. Effective 09/12/2008.	
CA091908-11	Proposition 65 Oryzalin	09/12/2008	<a href="#">CRNR 2008, 37z, p. 1631</a>	Final Rule	<a href="#">Office of Environmental Health Hazard Assessment</a>  Chemical Listed Effective September 12, 2008, as Known to the State to Cause Cancer - <a href="#">Oryzalin</a>  OEHHA is adding oryzalin to the list of chemicals known to the state to cause cancer or reproductive toxicity. Effective 09/12/2008.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA091908-12	Proposition 65	09/29/2008	<a href="#">CRNR 2008, 38z, p.1690</a>	Final Rule	<a href="#">Office of Environmental Health Hazard Assessment</a> Section 100–Reorganize Section Nonsubstantive action reorganizing and renumbering sections and text for ease of use and organizational purposes. Effective 09/05/2008.	
CA091908-13	Tidelands	09/12/2008	<a href="#">CRNR 2008, 37z, p. 1636</a>	Notice OAL Determination	<a href="#">State Lands Commission</a> <a href="#">Policy in Connection with Development of Coastal Land Adjoining State-owned Tidelands</a> Determination that the challenged policy in connection with development of coastal land adjoining state-owned tidelands in one Santa Barbara County Study Area is a “regulation,” but is exempt from the APA under the “only legally tenable interpretation” exemption and is not required to be adopted pursuant to the APA. The challenged language is not an underground regulation.	
CA091908-14	Waste Gas Monitoring and Control Compliance	09/12/2008	<a href="#">CRNR 2008, 37z, p. 1609</a>	Proposed Action	<a href="#">California Integrated Waste Management Board</a> Gas Monitoring and Control Compliance Deadlines [27 CCR 20921] Proposes to adjust compliance deadlines to provide additional time for submittal of monitoring and control program plans. Comments due 10/27/2008.	
CA091908-15	Water	09/12/2008	<a href="#">CRNR 2008, 37z, p. 1640</a>	Notice	<a href="#">State Water Resources Control Board</a> Notice of Availability of Precedential Decisions and Decision Index Index of precedential decisions is available at <a href="#">State Water Resources Control Board</a> .	

## 2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL091908-1	Air Greenhouse Gases	09/12/2008	<a href="#">FAW Notice #6116837</a>	Notice Correction	Chapter 62–FDEP 285–Greenhouse Gas Emissions Reduction 400–Adoption of California Motor Vehicle Emissions Standards The FAW publishing date published for the proposed rule in <a href="#">FAW Notice #6051944</a> has been corrected and the 09/25/2008 rule adoption hearing has been canceled.	
FL091908-2	Air Vehicle Idling	09/19/2008	<a href="#">FAW Notice #6133036</a>	Notice Rule Development Workshop	Chapter 62–FDEP 285–Greenhouse Gas Emissions Reduction 421–Clean Diesel Rebate Program Proposes rulemaking to assist persons affected by previously adopted Rule 62-285.420, F.A.C., Heavy-duty Vehicle Idling Reduction. The rule would establish a rebate funding process for idle-reduction equipment on heavy-duty diesel trucks. A rule development workshop will be held 10/14/2008 at FDEP, Tallahassee, Florida.	
FL091908-3	Environmental Regulation Commission	09/19/2008	<a href="#">FAW Notice #6124985</a>	Notice Meeting	Chapter 62–Environmental Regulation Commission Announces a regularly scheduled meeting for the purpose of rule adoptions and briefings. The meeting will be held on 09/29/2008 at FDEP, Tallahassee, Florida.	
FL091908-4	Hazardous Waste	09/12/2008	<a href="#">FAW Notice #6120038</a>	Notice of Change	Chapter 62–FDEP 730–Hazardous Waste Will update references to transfer facility notification form and technical report for the proposed rule found in <a href="#">FAW Notice #5857847</a> .	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL091908-5	Oceans and Coastal Council	09/12/2008	<a href="#">FAW Notice #6122754</a>	Notice Meeting	Chapter 62–Florida Oceans and Coastal Council Announces a meeting to further its duties under the Oceans and Coastal Resources Act. The meeting will be held 09/30/2008 at the Capitol, Tallahassee, Florida.	
FL091908-6	Solid Waste Composting	09/12/2008	<a href="#">FAW Notice #6082014</a>	Notice Rule Development Workshop	Chapter 62–FDEP 709–Criteria for the Production and Use of Compost Made from Solid Waste Announces a rule development workshop to discuss possible changes to Chapter 62-709, F.A.C., Solid Waste Composting. Changes may include the development of registrations or general permits for compost facilities using yard trash, manure, and vegetative food wastes as feedstocks to their processes, as well as requirements for proper operation of these facilities and any necessary testing requirements, with a particular interest in gathering any available data on the estimated regulatory cost of proposed rule changes. The workshop will be held 10/02/2008 at Orlando City Hall, Orlando, Florida.	
FL091908-7	Water Delegations	09/19/2008	<a href="#">FAW Notice #6137886</a>	Proposed Rule	Chapter 62–FDEP 113.200–Delegation of Authority by Secretary Proposes to amend Rule 62-113.200 to delegate rulemaking authority to the St. Johns River, Northwest Florida, Suwannee River, Southwest Florida, and South Florida Water Management Districts and Broward County to adopt and amend fees for environmental resource permit activities conducted under Part IV of Chapter 373, F.S. Comments due 10/10/2008.	
FL091908-8	Water SJRWMD	09/19/2008	<a href="#">FAW Notice #6156995</a>	Notice of Change	Chapter 40C–SJRWMD 4–Environmental Resource Permits: Surface Water Management Systems Changes to the proposed rule noticed in <a href="#">FAW Notice #5871621</a> include adoption by reference Parts I and II, subsections of Part III, and Appendixes K and M of the "Applicant's Handbook: Management and Storage of Surface Waters."	
FL091908-9	Water SJRWMD	09/12/2008	<a href="#">FAW Notice #6120135</a>	Notice Canceled Meeting	Chapter 40C–SJRWMD Cancellation of public meeting scheduled for 09/23/2008, noticed in <a href="#">FAW Notice #6021389</a> .	
FL091908-10	Water SJRWMD	09/19/2008	<a href="#">FAW Notice #6145549</a>	Notice Meeting	Chapter 40C–SJRWMD Announces a public meeting to discuss regulatory and non-regulatory matters, scheduled for 10/14/2008 at SJRWMD Headquarters, Palatka, Florida.	
FL091908-11	Water Storm Water Permitting	09/12/2008	<a href="#">FAW Notice #6109271</a>	Notice Meeting Change	Chapter 62–FDEP 347–Storm Water Permitting Announces 2-day meetings for FDEP and Water Management Districts to consider the development of a new Chapter 62-347, F.A.C., to update storm water quality treatment design and performance standards for storm water treatment systems. These meetings were announced in <a href="#">FAW Notice #5577420</a> to be 1-day meetings. The meetings will be held on 10/01-10/02/2008 and 11/12-11/13/2008 at SAIC, Orlando, Florida.	

## 2.4 Hawaii State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Hawaii.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
HI091908-1	Underground Storage Tank Program	09/17/2008	<a href="#">73 FR 53742</a>	Immediate Final Rule	<p>RCRA authorized EPA to grant approval to states to operate their UST programs.</p> <p>EPA authorizes Hawaii to proceed with the approved UST program in 40 CFR part 282 and added Section 282.61 to title 40 CFR to incorporate the state's statutes and regulations that make up the approved program. However, Hawaii's authority to inspect and enforce the UST requirements continues to operate independently under state law.</p> <p>This final rule is immediately effective 11/17/2008 unless EPA withdraw this immediate final rule prior through FR notice. To comment on this final rule of the UST program, individual may submit their comments through the <a href="http://www.regulations.gov">http://www.regulations.gov</a>, with reference to Docket ID EPA-R09-UST-2007-112 or mail delivery to Laurie Amaro, US EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105.</p>	No immediate action is required.

### 2.4.1 State Secures \$1.7 Million in Energy Grants

On 11 September 2008, the DBEDT had been awarded a total funding close to \$2 million for increased use of renewable energy in the State of Hawaii from DOE, private sector, and additional grants that the state received for related studies. In addition to the \$2 million, additional funding was received from the National Governors Association to study electric vehicle policy and from DOE to study undersea cabling. This funding will help to research ways to modernize the electrical grids and distribution system of the State of Hawaii to increase energy security. Additional information is provided on the Office of the Governor [website](#).

### 2.4.2 Hawaii Brownfields Forum #4

On 22 October 22 2008, the Hawaii State DOH, EPA, and the National Brownfield Association will host a brownfields forum to provide information about how to resolve common obstacles faced when redeveloping brownfields sites. The forum will be held at Ala Moana Hotel in Honolulu from 7:45 a.m. to 4:00 p.m. For further information, contact Krista Jack at [Krista.Jack@ttemi.com](mailto:Krista.Jack@ttemi.com) or Fenix Grange from the DOH Hazard Evaluation and Emergency Response Office at (808) 586-5815.

## 2.5 Louisiana State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Louisiana.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA091908-1	Air Ozone Standard	09/16/2008	<a href="#">73 FR 53373</a>	Final	U.S. Environmental Protection Agency EPA is approving this revision to the Louisiana SIP maintenance plan addressing the 1997 8-hour ozone standard for the New Orleans Ozone Maintenance Area. Effective 11/17/2008.	
LA091908-2	Air Performance Testing	9/20/2008	<a href="#">Louisiana Register</a>	Final	Louisiana Department of Environmental Quality Performance Testing Notifications and Reports (LAC 33:III.523, 2107, 2108, 2511, 2521, 2531, and 5113). This rule ( <a href="#">AQ294</a> ) amends the timeframes in the regulations for submitting report results following the completion of performance testing so that all reports are due 60 days after the completion of testing. This rule also requires submittal of testing notifications to the department at least 30 days before testing, where testing is required in the regulations.	
LA091908-3	Air Regulatory Language Clarification	9/20/2008	<a href="#">Louisiana Register</a>	Proposed	Louisiana Department of Environmental Quality Asbestos and Lead Fees (LAC 33:III.223) This rule ( <a href="#">AQ282</a> ) would promulgate language consistent with Department policy and apply consistency within the asbestos and lead programs. Comments due 11/5/2008.	
LA091908-4	Air SIP	9/20/2008	<a href="#">Louisiana Register</a> <a href="#">0809Pot1</a>	Proposed	Louisiana Department of Environmental Quality 2007 SIP General Revisions Proposed general revisions to the SIP include amendments to various air quality regulations in LAC 33:III.Chapters 1, 2, 5, 6, 9, 11, 13, 14, 15, 21, 22, 23, and 25, which were promulgated in 2007. Comments due 11/5/2008.	
LA091908-5	Multi-Media Amendment and Corrections	9/20/2008	<a href="#">Louisiana Register</a>	Final	Louisiana Department of Environmental Quality Amendments and Corrections (LAC 33:I.107, 502, 603, 905, 1302, 1407, 2003, 2503, 3703; III.504, 605, 2132, 2133, 2135, 2137, 2143, 2145, 2301, 5151; V.105, 109, 519, 529, 1529, 1709, 1711, 1741, 1907, 2230, 2246, 2247, 2306, 2311, 2503, 2508, 2906, 3025, 3105, 3111, 4003, 4357, 4367, 4437, 4459, 4545; VI.911; VII.711, 721; IX.301, 1123; XI.1139; and XV.609). This rule ( <a href="#">MM0008</a> ) makes changes that were overlooked in a previous rulemaking, changing references to LDEQ divisions in the regulations to references the statutory office designations and updating some office designations to reflect the current organizational structure of the Department. Miscellaneous typographical, grammatical, punctuation, and outline numbering corrections are made throughout the regulations.	
LA091908-6	Water DMR Submittal	9/20/2008	<a href="#">Louisiana Register</a>	Final	Louisiana Department of Environmental Quality DMR Submittal (LAC 33:IX.2701). This rule ( <a href="#">WQ074</a> ) provides permittees with the option to submit DMRs electronically through an electronic document receiving system, as well as submitting them on paper.	

## 2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD091908-1	Air Permitting	09/12/2008	<a href="#">35:19 Md.R. 1737</a>	Final Rule	Department of the Environment Title V Permit Fee Schedule MDE has adopted new Regulation .19 under <a href="#">COMAR 26.11.02</a> establishing an annual fee for those facilities requiring a Title V permit. Effective 10/01/2008.	

## 2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

## 2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in New Mexico.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM091908-1	Drinking Water	09/15/2008	<a href="#">NM Register</a> Vol. XIX, p. <a href="#">822</a>	Amendments	New Mexico Environmental Improvement Board <a href="#">20.7.10 NMAC Drinking Water</a> Revisions to the New Mexico <a href="#">Drinking Water</a> regulations as follow: <ul style="list-style-type: none"> <li>▪ Amended: <ul style="list-style-type: none"> <li>▪ <a href="#">20.7.10.100 NMAC</a>—Adoption of 40 CFR Part 141</li> <li>▪ <a href="#">20.7.10.101 NMAC</a>—Adoption of 40 CFR Part 143</li> </ul> </li> </ul> Effective 10/15/2008.	<b>WSTF</b> should be aware of these changes to the New Mexico drinking water rules.

## 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Ohio.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH091908-1	Air Emission Reporting	09/15/2008	<a href="#">Public Notice</a>	Final Rules	Division of Air Pollution Control, OEPA Toxic Chemical Release Reporting <a href="#">[OAC 3745-100]</a> Finalizes new language and amendments as a result of two new rules finalized by EPA during reporting year 2006, for reporting year 2006. The "TRI NAICS Rule" requires TRI facilities to report NAICS codes on their submissions instead of SIC Codes. Additionally, TRI also finalized the TRI Burden Reduction Rule, which expands the eligibility for use of the Form A Certification Statement in lieu of the more detailed Form R. Effective 09/25/2008.	<b>NASA Facilities</b> should be aware of these final amendments.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH091908-2	Water Water Quality Certifications	09/12/2008	<a href="#">Notice Letter</a>	Draft Rules	Division of Surface Water, OEPA Draft Amendments to OAC 3745-32 and 3745-45, Section 401 Water Quality Certification Rules [OAC <a href="#">3745-32</a> and <a href="#">3745-45</a> ] Establishes a state water quality permit to resolve a conflict between existing regulations: the definition of waters of the United States under the CWA no longer includes isolated wetlands and streams; however, these are considered waters of the state under Ohio Law (ORC Section 6111.01). Other draft revisions in Chapter 3745-32 revise procedural rules. Rule 3745-45-02 is being rescinded because certification fees are now incorporated into state law. Comments due 10/27/2008.	

## 2.10 Texas State Regulatory Reviews

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Texas.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX091908-1	CAA Texas SIP-Standard Permits	09/17/2008	<a href="#">73 FR 53716</a>	Final Rule	Approval and Promulgation of Air Quality Implementation Plans; Texas: Control of Air Pollution by Permits for New Construction or Modification Approves a revision to the Texas SIP. Revised rule requires newspaper notice for proposed Standard Permits with statewide applicability in only 3 of the 11 original metropolitan areas: Austin, Dallas, Houston, and any other regional newspaper designated on a case-by-case basis. No longer requires newspaper notice for each proposed Standard Permit to be published in Amarillo, Corpus Christi, El Paso, the Lower Rio Grande Valley, Lubbock, the Permian Basin, San Antonio, or Tyler. However, TCEQ will continue to publish public notices in the <i>Texas Register</i> and to issue a press release. In addition, TCEQ may also use electronic means to inform state and local officials of a proposed air quality Standard Permit. Effective 10/17/2008.	
TX091908-2	Radioactive Items Information Collection	09/12/2008	<a href="#">73 FR 53049</a>	Notice	National Aeronautics and Space Administration Notice of Information Collection Solicits comments on proposed revision of currently approved information collection. This information collection, JSC Form 1625, has to do with operational groups at JSC and other NASA centers, NASA contractors, subcontractors, and vendors to provide descriptions of radioactive items used in or supplied for human space missions or approved JSC projects. The form also provides records of accountability, responsibility, transfer, location, and disposition of these items. The form, which is now available electronically, accompanies a physical shipment of nuclear materials and requires recipients to confirm shipment receipt. Comments due 10/12/2008.	

### 2.10.1 Revised Public Hearing Dates and Extension of Comment Period

Because of the after effects of Hurricane Ike and to accommodate those affected by the hurricane, the public hearings on the proposed amendments to 30 TAC 117, Control of Air Pollution from Nitrogen Compounds, and corresponding revisions to the SIP ([33 TexReg 7743, 05 September 2008](#)) have been postponed. The public hearings, previously scheduled for 30 September and 1 October, have been rescheduled for 23 October 2008 at 2:00 p.m. at the TCEQ complex at 12100 Park 35 Circle, Building E, Room 201S in Austin. TCEQ staff will be available 30 minutes before the hearing to informally discuss the proposal. The deadline for comments has been extended to 24 October 2008.

### 2.10.2 2009 Texas Environmental Excellence Awards

Applications for the 2009 [Texas Environmental Excellence Awards](#) are now available. The Texas Environmental Excellence Awards, presented annually by the Governor's office and the TCEQ, mark the highest distinction of environmental honor in the state. They identify outstanding contributions in 11 diverse categories including the newly created Water Conservation category. The public may nominate an individual, community, company, or organization for an award. Nominations must be submitted by 24 October 2008.

### 2.10.3 Advanced Air Permitting Seminar

TCEQ's Air Permits Division is offering a seminar in Austin, 29 and 30 September 2008. Discussions will include updates to federal permitting issues; different types of netting, maintenance, startup, and shutdown; and the Modeling and Effects Review Applicability Flowchart. TCEQ Air Permits management and other technical experts will begin the seminar with a question-and-answer session. Technical presentations will cover several key areas, including the following:

- Toxicology overview
- SIP
- Deviation reporting for Title V permits
- Inspection and enforcement and the role of TCEQ's regional offices
- Use of the infrared camera in emissions detection

This seminar is designed for engineers, environmental staff, or managers of permitted facilities, consultants, and owners of businesses or industrial facilities operating in Texas who are knowledgeable and experienced in air quality permitting, rules, and regulations. More information is available on [TCEQ's Calendar of Events](#).

### 2.10.4 Pollution Prevention Seminar

TCEQ, in cooperation with the Zero Waste Network, will conduct a series of [interactive workshops](#) about how to develop effective pollution prevention plans that save money and improve efficiency. Presenters include experts in pollution prevention, environmental management

systems, environmental regulations, and energy efficiency. Workshops will be held on the following days:

- Houston, 2 to 3 October 2008
- Corpus Christi, 15 to 16 October 2008
- Fort Worth, 5 to 6 November 2008

## 2.11 Utah State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Utah.

## 2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA091908-1	Environmental Laboratories	09/15/2008	<a href="#">25:1 VA.R 96</a>	Final Rule	Department of General Services 1 VAC 30-45, 46 Corrects final regulation originally published in the Va.R. on 08/18/2008 ( <a href="#">24:25 VA.R 3449</a> ).	
VA091908-2	Water Biosolids Land Application	09/08/2008	<a href="#">VDEQ website</a>	Draft Guidance Document	Virginia Department of Environmental Quality Draft guidance document issued to establish procedures for consistently handling health-related complaints within the biosolids land application program. Comments due 10/07/2008.	