



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

09 October 2009

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.nasa.gov/offices/rrac/home/>. 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).

Contents of This Issue

1.0	U.S. Federal Regulatory Review	4
1.1	Federal Register Summary	4
1.2	Other News and Developments	9
1.2.1	<i>EPA Announces Research Strategy to Study Nanomaterials</i>	9
1.2.2	<i>Proposed EPA Rule Would Require Use of “Best Technologies” to Reduce Greenhouse Gases from Large Facilities</i>	9
1.2.3	<i>EPA Accelerates Review of Air Standards for Fine Particles, Plans Rule by April 2011</i>	10
1.3	Regulatory Communication Working Group Updates	10
2.0	State Regulatory Reviews	11
2.1	Alabama State Regulatory Review	11
2.2	California State Regulatory Review	12
2.3	Colorado State Regulatory Review	13
2.4	Florida State Regulatory Review	13
2.5	Louisiana State Regulatory Review	15
2.6	Maryland State Regulatory Review	15
2.7	Mississippi State Regulatory Review	15
2.8	New Mexico State Regulatory Review	16
2.9	Ohio State Regulatory Review	16
2.9.1	<i>Quarterly Newsletter Available</i>	16
2.10	Texas State Regulatory Review	16
2.10.1	<i>Texas Environmental, Health, and Safety Privilege Act</i>	17
2.11	Utah State Regulatory Review	17
2.12	Virginia State Regulatory Review	18

Acronyms

AAM = <i>Alabama Administrative Monthly</i>	NSR = New Source Review
ADEM = Alabama Department of Environmental Management	OAC = Ohio Administrative Code
ARB = Air Resources Board	ODS = Ozone depleting substance
CAA = Clean Air Act	OPEA = Ohio Environmental Protection Agency
CCR = <i>California Code of Regulations</i>	OSHA = Occupational Safety and Health Administration
CFR = <i>Code of Federal Regulations</i>	PCB = Polychlorinated biphenyl
CH ₄ = Methane	PFC = Perfluorocarbon
CHHSL = California Human Health Screening Levels	PFOS = Perfluorooctane sulfonate
CO ₂ = Carbon monoxide	PHG = Public Health Goal
COMAR = Code of Maryland Regulations	PM2.5 = Particulate matter less than 2.5 micrometers
Cr6 = Hexavalent chromium	ppm = Parts per million
CRNR = California Regulatory Notice Register	PSD = Prevention of significant deterioration
DHWM = Division of Hazardous Waste Management	RACT = Reasonably available control technology
EPA = U.S. Environmental Protection Agency	RCRA = Resource Conservation and Recovery Act
EWIR = Emission Warranty Information Reporting	RIN = Regulatory Identification Number
F.S. = Florida Statute	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
FAW = <i>Florida Administrative Weekly</i>	SDWA = Safe Drinking Water Act
FDEP = Florida Department of Environmental Protection	SF ₆ = Sulfur hexafluoride
FR = <i>Federal Register</i>	SIP = State Implementation Plan
GHG = Greenhouse gas	SNAP = Significant New Alternatives Policy
HFC = Hydrofluorocarbon	SOP = Standard operating procedure
HRVOC = Highly reactive volatile organic compound	TAC = Texas Administrative Code
IRIS = Integrated Risk Information System	TCEQ = Texas Commission on Environmental Quality
ISOR = Initial Statement of Reasons	TMDL = Total maximum daily load
KSC = Kennedy Space Center	U.S. = United States
Md.R. = <i>Maryland Register</i>	UAC = Utah Administrative Code
N ₂ O = Nitrous oxide	UDAQ = Utah Division of Air Quality
NASA = National Aeronautics and Space Administration	UDEQ = Utah Department of Environmental Quality
NMFS = National Marine Fisheries Service	UDSHW = Utah Division of Solid and Hazardous Waste
NOAA = National Oceanic and Atmospheric Administration	USFWS = U.S. Fish and Wildlife Service
NPDES = National Pollutant Discharge Elimination 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
FED10092009-1	Air ODS-SNAP	09/30/2009	74 FR 50129	Final Rule	Protection of Stratospheric Ozone: Notice 24 for Significant New Alternatives Policy Program Expands the list of acceptable substitutes for ozone depleting substances . New substitutes listed are for use in the refrigeration and air conditioning and foam blowing sectors.	
FED10092009-2	Air Operating Permits	10/06/2009	74 FR 51417	Final Rule	Operating Permit Programs; Flexible Air Permitting Rule; Final Rule [40 CFR Parts 70 and 71] Revises regulations governing state and federal operating permit programs required by Title V of the CAA to promote flexible air permitting approaches that provide greater operational flexibility and ensure environmental protection and compliance with the applicable laws. Revisions consist of adding definitions for alternative operating scenarios and approved replicable methodology and codifying clarifications to existing provisions. The action does not finalize revisions to existing minor or major NSR regulations. In particular, the action withdraws that portion of the proposal that relates to Green Groups and their potential inclusion in NSR programs. Effective 11/05/2009. [RIN 2060-AM45]	
FED10092009-3	Air PSD/NSR-Fugitive Emissions	09/30/2009	74 FR 50115	Notice	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions [40 CFR Parts 51 and 52] Notice that EPA granted a petition for reconsideration of the final rule titled, "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions," (73 FR 77881 , 12/19/2008). Also announces administrative stay of portions of the rule effective until 12/30/2009. To effectuate the stay, reinstates previous provisions on a temporary basis.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED10092009-4	Air PSD Permitting	10/07/2009	74 FR 51535	Proposed Rule	<p>Prevention of Significant Deterioration (PSD): Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by the Federal PSD Permit Program [40 CFR Part 52]</p> <p>Requests public comment on various interpretations of the regulatory phrase "subject to regulation." The interpretations discussed in this document include EPA's current and preferred interpretation, which would make PSD applicable to a pollutant on the basis of an EPA regulation requiring actual control of emissions, as well as interpretations that would make PSD applicable to a pollutant on the basis of an EPA regulation requiring monitoring or reporting of emissions of a pollutant. Comments due 12/07/2009. [RIN 2060-AP87]</p>	
FED10092009-5	Drinking Water Contaminants	10/08/2009	74 FR 51850	Notice	<p>Drinking Water Contaminant Candidate List 3--Final</p> <p>Finalizes the third Contaminant Candidate List, designated "CCL 3." The CCL 3 is a list of contaminants that currently are not subject to proposed or promulgated national primary drinking water regulations, that are known or anticipated to occur in public water systems, and that may require regulation under SDWA. Includes 104 chemicals or chemical groups and 12 microbiological contaminants. [RIN 2040-AD99]</p> <p>The list includes substances used in space and aerospace applications, such as 1,3-butadiene, hydrazine, perchlorate, certain halogenated solvents, formaldehyde, urethane, aniline, toluene diisocyanate, PFOS, and others.</p>	NASA Programs should review this list and notify the RRAC PC of any potential impacts or concerns.
FED10092009-6	Hazardous Materials Transportation Batteries	10/07/2009	74 FR 51643	Safety Advisory	<p>Pipeline and Hazardous Materials Safety Administration</p> <p>Advisory Guidance; Transportation of Batteries and Battery-Powered Devices</p> <p>Advisory regarding safe transportation of lithium batteries. The purpose of the guidance is to:</p> <ul style="list-style-type: none"> ▪ Inform persons of recent aviation incidents involving aircraft fires and potential hazards that shipments of lithium batteries may present while in transportation ▪ Provide information concerning the current requirements for the transportation of lithium batteries ▪ Provide an update of actions being taken to address the hazards of these batteries 	NASA Programs and Centers should be aware of this advisory.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED10092009-7	NASA Astronaut Glove Challenge	09/30/2009	74 FR 50246	Notice	<p>National Aeronautics and Space Administration</p> <p>Centennial Challenges 2009 Astronaut Glove Challenge</p> <p>The 2009 Astronaut Glove Challenge is now scheduled and teams that wish to compete may now register. The NASA Centennial Challenges Program is a program of prize contests to stimulate innovation and competition in technologies of interest and value to NASA and the nation. The 2009 Astronaut Glove Challenge is a prize contest designed to promote the development of glove materials and joint technology, resulting in a highly dexterous and flexible glove that can be used by astronauts over long periods of time for space or planetary surface excursions. The 2009 Astronaut Glove Challenge is being administered by Volanz Aerospace Inc. for NASA. The \$400,000 prize purse is funded by NASA. The 2009 Astronaut Glove Challenge will be held 11/18/2009 and 11/19/2009 at the United States Astronaut Hall of Fame at Kennedy Space Center.</p>	
FED10092009-8	Occupational Safety Hazard Communication	09/30/2009	74 FR 50279	Proposed Rule	<p>Occupational Safety and Health Administration</p> <p>Hazard Communication [29 CFR Parts 1910, 1915, and 1926]</p> <p>Proposes to modify the existing Hazard Communication Standard to conform with the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals. Proposed modifications include the following:</p> <ul style="list-style-type: none"> ▪ Revised criteria for classification of chemical hazards; revised labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements ▪ Specified format for safety data sheets ▪ Related revisions to definitions of terms used in the standard and requirements for employee training on labels and safety data sheets <p>Also proposes to modify provisions of a number of other standards, including standards for flammable and combustible liquids, process safety management, and most substance-specific health standards, to ensure consistency with the modified Hazard Communication Standard requirements. Comments due 12/29/2009. [RIN 1218-AC20]</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED10092009-9	Radiation Effective Dose Equivalent	09/29/2009	74 FR 49895	Notice	Nuclear Regulatory Commission Draft Regulatory Guide: Issuance, Availability Announces availability of a new draft regulatory guide entitled, "Methods for Estimating Effective Dose Equivalent from External Exposure." Regulatory guide describes dosimetry methods considered acceptable for determining effective dose equivalent for external radiation exposures. These methods provide a conservative estimate of effective dose equivalent for external radiation exposures and may be used to calculate total effective dose equivalent exposure in demonstrating compliance with certain regulatory requirements. The draft guide is available on the NRC website . Comments due 11/26/2009.	
FED10092009-10	Risk Assessment Exposure Factors	10/07/2009	74 FR 51592	Notice	Exposure Factors Handbook: 2009 Update Announces public comment period for the external review draft document titled, Exposure Factors Handbook: 2009 Update (EPA/600/R-09/052A) . The Exposure Factors Handbook provides a summary of the available statistical data regarding various factors used in assessing human exposure. These factors include drinking water consumption; mouthing behavior; soil ingestion rates; inhalation rates; dermal factors, including skin area and soil adherence factors; consumption of fruits and vegetables, fish, meats, dairy products, and homegrown foods; breast milk intake; human activity factors; consumer product use; and residential characteristics. Comments due 12/07/2009.	
FED10092009-11	Species Brown Pelican	09/30/2009	74 FR 50236	Notice	U.S. Fish and Wildlife Service Endangered and Threatened Wildlife and Plants; Draft Post-Delisting Monitoring Plan for the Brown Pelican (<i>Pelecanus occidentalis</i>) Announces the availability of the draft post-delisting monitoring plan for the brown pelican. The brown pelican has been proposed to be removed from the Federal List of Threatened and Endangered Wildlife and Plants due to recovery. Proposes to monitor the status of the brown pelican over a 10-year period from 2010 through 2020, through annual evaluation of information collected by certain states (including California, Texas, and Louisiana) and other partners. The draft monitoring plan is available at the FWS website . Comments due 10/30/2009.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED10092009-12	Sustainability Executive Order	10/08/2009	74 FR 52115	Notice	<p>Executive Order 13514–Federal Leadership in Environmental, Energy, and Economic Performance</p> <p>Announces policy that requires federal agencies to:</p> <ul style="list-style-type: none"> ▪ Increase energy efficiency ▪ Measure, report, and reduce their GHG emissions from direct and indirect activities ▪ Conserve and protect water resources through efficiency, reuse, and stormwater management ▪ Eliminate waste, recycle, and prevent pollution ▪ Leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services ▪ Design, construct, maintain, and operate high-performance sustainable buildings in sustainable locations ▪ Strengthen the vitality and livability of the communities in which federal facilities are located ▪ Inform federal employees about and involve them in the achievement of these goals 	
FED10092009-13	Toxic Substances Chloroprene	09/29/2009	74 FR 49874	Notice	<p>Draft Toxicological Review of Chloroprene: In Support of the Summary Information in the Integrated Risk Information System</p> <p>Announces a public comment period for the external review draft document titled, "Toxicological Review of Chloroprene: In Support of Summary Information on the Integrated Risk Information System (IRIS)." Comments due 11/30/2009.</p>	
FED10092009-14	Water Bioaccumulation Factors	09/30/2009	74 FR 50182	Notice	<p>Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health; Technical Support Document, Volume 3: Development of Site-Specific Bioaccumulation Factors</p> <p>Notice of availability of the Technical Support Document, Volume 3: Development of Site-Specific Bioaccumulation Factors that accompanies the previously released Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health and the Technical Support Document Volume 2: Development of National Bioaccumulation Factors. Document contains technical details about how states and tribes may develop site-specific bioaccumulation factors for use in deriving site-specific ambient water quality criteria.</p>	

1.2 Other News and Developments

1.2.1 EPA Announces Research Strategy to Study Nanomaterials

EPA recently outlined a new research strategy to better understand how manufactured nanomaterials might harm human health and the environment.

The strategy describes the research EPA will support over the next several years to generate information about the safe use of nanotechnology and products that contain nano-scale materials. The strategy also includes research into ways nanotechnology can be used to clean up toxic chemicals in the environment.

EPA's role among federal agencies is to determine the potential hazards of nanotechnology and to develop approaches to reduce or minimize any risks identified. As part of the strategy, researchers are investigating widely used nanomaterials, such as carbon nanotubes, which are used in vehicles, sports equipment, and electronics; and titanium dioxide, which is used in coatings, cosmetics, and sunscreens.

The research is being conducted in EPA's own laboratories and by grant recipients as part of a collaborative effort with other federal organizations and the international community.

EPA's research is conducted using a multidisciplinary approach that examines all aspects of nanomaterials in the environment, from their manufacture and use to their disposal or recycling. EPA's new [nanotechnology website](#) provides more details about the research and offers news and publications.

1.2.2 Proposed EPA Rule Would Require Use of "Best Technologies" to Reduce Greenhouse Gases from Large Facilities

EPA announced a [proposal](#) (Proposed Rule: Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule) requiring large industrial facilities that emit at least 25,000 tons of GHGs a year to obtain construction and operating permits covering these emissions. These permits must demonstrate the use of best available control technologies and energy efficiency measures to minimize GHG emissions when facilities are constructed or significantly modified.

With the proposed emissions thresholds, EPA estimates that 400 new sources and modifications to existing sources would be subject to review each year for GHG emissions. In total, approximately 14,000 large sources would need to obtain operating permits that include GHG emissions. Most of these sources are already subject to clean air permitting requirements because they emit other pollutants.

This proposed tailoring rule addresses a group of six GHGs: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

The RRAC PC will issue a detailed regulatory update addressing this proposed rule.

1.2.3 EPA Accelerates Review of Air Standards for Fine Particles, Plans Rule by April 2011

In response to a remand from a federal appeals court, EPA intends to propose new national ambient air quality standards for fine particulate matter (particles 2.5 microns in diameter or smaller [PM_{2.5}]) by July 2010, according to the presentation by Lydia Wegman, director of the Health and Environmental Impacts Division of EPA's Office of Air Quality Planning and Standards.

A final rule is expected by April 2011. EPA plans to release a policy assessment in December that will provide a basis for the revised air quality standards, according to the presentation, which is available on the Clean Air Scientific Advisory Committee [website](#).

EPA originally had planned to propose new standards in February 2011, with a final rule by November 2011 as part of its periodic review of the standards.

EPA's "*Risk Assessment to Support the Review of the PM Primary National Ambient Air Quality Standards—External Review Draft*," released 10 September 2009, found that an estimated 1.7 to 6.7 percent of all deaths in 2007 in 15 studied cities were attributable to long-term exposure to fine particulate matter. According to the assessment, lowering both the annual and 24-hour air quality standards for fine particles could reduce the risk of mortality from long-term exposure to the pollutant by as much as 89 percent in some urban areas, according to the assessment.

1.3 Regulatory Communication Working Group Updates

Tentative dates for upcoming Regulatory Communication Working Group telecons are provided below. Calls will be held at 12 p.m. CT:

- 21 October
- 4 November
- 18 November
- 2 December

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
AL10092009-1	Administration Fees	09/30/2009	AAM Vol. XXVII, No. 12, p. 432	Proposed Rule Hearing	335-ADEM 1-General Administration 6-Application Fees Proposed amendment will provide for fees to implement Chapter 335-13-12, Landfill Operator Certification Requirements. A list of specific changes can be found in the Division 1 document. Comments due 11/04/2009. A public hearing will be held 11/04/2009 at ADEM, Montgomery, Alabama.	
AL10092009-2	Administration Forms	09/30/2009	AAM Vol. XXVII, No. 12, p. 431	Notice Hearing	335-ADEM 1-General Administration 1-Organization Proposes to amend existing forms and add new forms to comply with current state and federal law. A list of specific changes can be found in the Division 1 document. Comments due 11/04/2009. A public hearing will be held 11/04/2009 at ADEM, Montgomery, Alabama.	
AL10092009-3	Air SIP-Visible Emissions	10/02/2009	74 FR 50930	Proposed Rule	U.S. Environmental Protection Agency Approval and Promulgation of Implementation Plans: Alabama: Proposed Approval of Revisions to the Visible Emissions Rule and Alternative Proposed Disapproval of Revisions to the Visible Emissions Rule [40 CFR Part 52] Proposes to either affirm the previous rulemaking, published in 73 FR 60957 , which approved revisions to the SIP regarding the state's visible emissions rules or, alternatively, amend its previous rulemaking (i.e., disapproving the revisions). EPA is seeking public comment on the following items: <ul style="list-style-type: none"> ▪ Issues raised in the petition for reconsideration, as well as the actions proposed in this notice ▪ The relationship between opacity and particulate matter mass emissions Following its evaluation of the issues raised in the petition for reconsideration, and any information submitted during the public comment process, EPA will take final action either affirming the previous rulemaking or amending the previous rulemaking and disapproving the revisions to the visible emissions portion of Alabama's SIP. Comments due 11/16/2009.	

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
CA10092009-1	Air EWIR	10/02/2009	CRNR 2009.40z, p.1667	Proposed Action	<p>Air Resources Board</p> <p>Emission Warranty Information Reporting (EWIR) [13 CCR 1956.8, 1958, 1961, 1976, 1978, 2111-2, 2122, 2136, 2141, 2166-74]</p> <p>Notice of public hearing regarding a proposal to negate recent EWIR amendments and readopt the previous version of the regulations. ISOR is available. Hearing is scheduled for 11/19/2009. Comments due 11/18/2009. Further information is available on the ARB website.</p>	
CA10092009-2	Air SIP-Ozone	10/02/2009	74 FR 50936	Proposed Rule	<p>U.S. Environmental Protection Agency</p> <p>Approval and Promulgation of Implementation Plans: 1-Hour Ozone Attainment Contingency Measures for the San Joaquin Valley, CA [40 CFR 52]</p> <p>Proposes to approve these contingency measures and to withdraw its proposed disapproval. This proposed approval is based on technical information provided to EPA by the California ARB. Comments due 11/02/2009.</p>	
CA10092009-3	Drinking Water Hexavalent Chromium	10/02/2009	CRNR 2009.40z, p.1748	Notice	<p>Office of Environmental Health Hazard Assessment</p> <p>Extension of Public Comment Period Regarding Hexavalent Chromium (Cr6) PHG in Drinking Water</p> <p>Announces a 2-week extension of the public comment period on the draft PHG for Chromium in Drinking Water. Comments due 11/02/2009. Further information is available on the OEHA website.</p>	NASA Centers in California should be aware of this extension.
CA10092009-4	Occupational Safety Electrical Safety	10/02/2009	CRNR 2009.40z, p.1660	Proposed Rule	<p>Occupational Safety and Health Standards Board</p> <p>Low-Voltage Electrical Safety Orders--Addendum and General Industry Safety Order - Occupational Exposures to Food Flavorings Containing Diacetyl [8 CCR 2305.2, 2340.12, 2340.16, 2360.3, 2405.4, 2473.1, 2534.8, 5197]</p> <p>Proposed rulemaking addresses ambiguous, obsolete, overlapping, conflicting, and/or unnecessary items. Hearing is scheduled for 11/19/2009.</p>	
CA10092009-5	Proposition 65	10/09/2009	CRNR 2009.41z, p.1771	Proposed Rule	<p>Office of Environmental Health Hazard Assessment</p> <p>No Significant Risk Level for Fumonisin B1 [27 CCR 25705(d)]</p> <p>Proposes to establish a specific regulatory level posing no significant risk for fumonisin B1. Comments due 11/23/2009. Further information is available on the OEHA website.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA10092009-6	Toxic Substances Lead and Beryllium	10/02/2009	CRNR 2009.40z, p.1747	Notice	Office of Environmental Health Hazard Assessment Availability of Reports of Revised California Human Health Screening Levels for Lead and Beryllium Makes available two reports: " Revised California Human Health Screening Levels for Lead " and " Revised California Human Health Screening Levels for Beryllium ." These reports update the CHHSLs previously released for lead and lead compounds, beryllium and beryllium compounds, beryllium oxide, and beryllium sulfate. Further information is available on the OEHA website .	
CA10092009-7	Water TMDL—Calleguas Creek	10/09/2009	CRNR 2009.41z, p.1786	Final Rule	State Water Resources Control Board Calleguas Creek Nitrogen Compounds and Related Effects TMDL Revision [23 CCR 3939.2] Revises that calculation with respect to the upcoming NPDES permits. Effective 10/30/2009.	SSFL should be aware of this revision.

2.3 Colorado State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA-related operations in Colorado.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CO10092009-1	Species Preble's Meadow Jumping Mouse	10/08/2009	74 FR 52065	Proposed Rule	U.S. Fish and Wildlife Service Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Preble's Meadow Jumping Mouse (<i>Zapus Hudsonius Preblei</i>) in Colorado [50 CFR Part 17] Proposes to revise designated critical habitat for the Preble's meadow jumping mouse in Colorado, where it is listed as threatened under the Endangered Species Act of 1973. The proposed revised designation would increase the total existing critical habitat designation in the following counties: Boulder, Broomfield, Douglas, El Paso, Jefferson, Larimer, and Teller. Comments due 12/07/2009.	

2.4 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
FL10092009-1	Air Ozone	10/09/2009	FAW Notice #7695900	Notice Rule Development	Chapter 62—FDEP 296—Stationary Sources—Emission Standards Proposes to eliminate obsolete language in three rule sections regarding rule applicability in ozone nonattainment areas. The language is not needed because Florida no longer has any ozone nonattainment areas. Proposed text is provided in the FAW Notice .	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL10092009-2	Clean Marina Program Clean Vessel Program	10/09/2009	FAW Notice #7723254	Notice Meeting	Chapter 62–FDEP Announces a meeting to review discussion items and recommendations concerning the FDEP’s Clean Marina Program and Clean Vessel Act Program. The meeting will be held 10/15/2009 via videoconference and can be viewed at the following locations: <ul style="list-style-type: none"> ▪ FDEP, Tallahassee, Florida ▪ FDEP, Ft. Myers, Florida ▪ FDEP, Jacksonville, Florida ▪ FDEP, Orlando, Florida ▪ FDEP, Pensacola, Florida ▪ FDEP, Temple Terrace, Florida ▪ FDEP, West Palm Beach, Florida 	
FL10092009-3	Petroleum Cleanup	10/02/2009	FAW Notice #7696191	Notice Meeting	Chapter 62–FDEP Announces a public meeting for petroleum cleanup program contractors, subcontractors, and interested parties to discuss program financial update, 2009/2010 program expectations, invoicing, SOP updates, compliance issues, engineering issues, and equipment issues. The meeting will be held 10/13/2009 in Ocala, Florida.	
FL10092009-4	Recycling	10/09/2009	FAW Notice #7710062	Notice Meeting	Chapter 62–FDEP Announces a meeting to solicit feedback regarding FDEP’s draft recommendations for implementing the 75-percent statewide recycling goal found in Section 403.7032, F.S. The meeting will be held 11/05/2009.	
FL10092009-5	Species	09/29/2009	74 FR 49851	Notice Receipt of Application	National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce Notice that NASA/KSC’s Ecological Program has applied for a permit to take green, loggerhead, and Kemp’s ridley sea turtles for purposes of scientific research. Comments due 10/29/2009.	KSC should be aware of this notice.
FL10092009-6	Species Florida Manatee	09/29/2009	74 FR 49842	Notice	U.S. Fish and Wildlife Service Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to Revise Critical Habitat for the Florida Manatee [50 CFR Part 17] Announces a 90-day finding on a petition to revise the critical habitat designation for the Florida subspecies of the endangered West Indian manatee. Finds that the petition presents substantial scientific or commercial information indicating that a revision of the critical habitat designation for the Florida manatee may be warranted. As a result, USFWS is initiating a review of the current critical habitat designation for the subspecies to determine how to proceed with the revision. Comments due 10/31/2009.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL10092009-7	Water Environmental Resource Permits	10/09/2009	FAW Notice #7727037	Notice of Change	Chapter 62–FDEP 341–Noticed General Environmental Resource Permits 417–General Permit for Construction, Alteration, or Maintenance of Boat Ramps and Associated Accessory Docks Changes have been made to amendments proposed in FAW Notice #5757646 that addressed an existing noticed general environmental resource permit under Part IV of Chapter 373, F.S., for boat ramps and their associated accessory docks. Amendments include the following: <ul style="list-style-type: none"> Conforming the general permit with the requirements of Section 373.118(5), F.S., including authorizing certain upland improvements associated with a boat ramp facility that is constructed, operated, and maintained by a governmental entity, provided the ramp and associated facilities remain open to the general public for the life of the facility Expanding the geographical area where the general permit applies Changes are listed in the FAW Notice .	KSC should be aware of this change.
FL10092009-8	Water Grants	10/09/2009	FAW Notice #7722963	Notice Hearing	Chapter 62–FDEP Announces a public hearing to take final action on issues involving the reallocation of American Recovery and Reinvestment Act of 2009 funds. Hearing will be held 10/21/2009.	

2.5 Louisiana State Regulatory Review

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

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
MD10092009-1	Water Quality Drinking Water	10/09/2009	36:21 Md.R. 1610	Proposed Action	Department of the Environment Quality of Drinking Water in Maryland Proposes to amend regulations under COMAR 26.04.01 by adopting federal drinking water requirements related to the Stage 2 Disinfectants and Disinfection Byproducts Rule and the Long-Term 2 Enhanced Surface Water Treatment Rule. Would establish or revise disinfection byproduct requirements and surface water treatment requirements for public water systems. Public hearing scheduled for 10/13/2009. Comments due 11/09/2009.	

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

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

2.9 Ohio State Regulatory Review

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

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH10092009-1	Air Open Burning	10/02/2009	Public Notice	Final Action	Approved permission for Open Burning [OAC Chapter 3745-19] Record of approved permission for Open Burning in accordance with OAC Chapter 3745-19 for Plum Brook Station.	Plum Brook Station should be aware of this action.

2.9.1 Quarterly Newsletter Available

The OEPA, Division of Hazardous Waste Management has published the [Summer/Fall 2009 Notifier](#) Quarterly Newsletter. This issue includes the following articles:

- The Web Site's New Look
- eDRUMS
- The Publications Catalog
- Sustainability within DHWM
- The Association of State & Territorial Solid Waste Management Officials
- RCRA Corrective Action Update

2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register*. Current and historical versions of the *Texas Register* can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX10092009-1	Air Offset Lithographic Printing	10/09/2009	34 TexReg 7015	Proposed Rule	Texas Commission on Environmental Quality Control of Air Pollution From Volatile Organic Compounds [30 TAC 115] Proposes to implement RACT for offset lithographic printing lines in the Dallas-Fort Worth and Houston-Galveston-Brazoria areas. Public hearings to be held in Houston on 10/28/2009, Austin on 10/29/2009, and Fort Worth on 11/02/2009. Comments due 11/09/2009.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX10092009-2	Air SIP-HRVOC	10/09/2009	34 TexReg 6989	Proposed Rule	<p>Texas Commission on Environmental Quality Highly Reactive Volatile Organic Compounds [30 TAC 101]</p> <p>Proposes revisions to the HRVOC Emissions Cap and Trade Program for the Houston-Galveston-Brazoria nonattainment area. Proposes to reduce the total HRVOC cap by 25 percent by 2018. The proposed rule would implement an initial 10 percent reduction on the existing available cap beginning with the 2014 calendar year control period. The available cap would then be reduced in a "stepdown" fashion in 5 percent increments at the start of each calendar year control period for 2015, 2016, and 2017. Also proposes to revise the HRVOC allocation methodology based on industry sectors to address inequities from the initial allocation. The four industry sectors proposed are petroleum refining, nonpolymer chemical producers, polymer producers, and storage/loading/other. Public hearings to be held 10/28/2009 at the Houston-Galveston Area Council and 10/29/2009 in Austin. Comments due 11/09/2009.</p>	

2.10.1 Texas Environmental, Health, and Safety Privilege Act

TCEQ recently updated [Guidance on the Texas Environmental, Health, and Safety Privilege Act](#). The guidance document explains the privileges afforded under the Audit Act relating to confidentiality of information uncovered during an environmental self-audit.

2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA-related operations in Utah.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT10092009-1	Air PM2.5	10/1/2009	UT Bull. Vol.2009-19; DAR File No.32958	Proposed Rule	<p>UDAQ; UDEQ Air Quality; Definitions [UAC R307-101-2]</p> <p>Proposes to add the definition of "PM2.5" to R307-101-2 in preparation for the development of the PM2.5 State Implementation Plan. Comments due 11/02/2009.</p>	
UT10092009-2	Waste Definitions	10/1/2009	UT Bull. Vol.2009-19; DAR File No.32966	Proposed Rule	<p>UDSHW; UDEQ Solid and Hazardous Waste; Definitions [UAC R315-1-1]</p> <p>Proposes to adopt equivalent federal regulations; would add the definition of "gasification" to the section. Comments due 11/02/2009.</p>	
UT10092009-3	Waste Manifests	10/1/2009	UT Bull. Vol.2009-19; DAR File No.32968	Proposed Rule	<p>UDSHW; UDEQ Solid and Hazardous Waste; Change in Manifest Requirements [UAC R315-5]</p> <p>Proposes to require that hazardous waste generators in Utah use hazardous waste manifests containing all the information that federal regulations require to be included in such manifests. Comments due 11/02/2009.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT10092009-4	Waste Manifests	10/1/2009	UT Bull. Vol.2009-19; DAR File No.32972	Proposed Rule	<p>UDSHW; UDEQ</p> <p>Solid and Hazardous Waste; Eliminates Instructions to Complete Hazardous Waste Manifest [UAC R315-50-1]</p> <p>Proposes to eliminate current state hazardous waste manifest instructions and incorporates federal instructions by reference. Comments due 11/02/2009.</p>	
UT10092009-5	Waste PCB-Contaminated Soils	10/1/2009	UT Bull. Vol.2009-19; DAR File No.32970	Proposed Rule	<p>UDSHW; UDEQ</p> <p>Solid and Hazardous Waste; Change in Requirement to Treat Polychlorinated Biphenyls in Soils as Subject to Treatment [UAC R315-13-1]</p> <p>Proposes to defer the requirement to treat soils contaminated with PCBs. Would require that generators treat soils contaminated with halogenated organic compounds at levels greater than 1,000 ppm. Comments due 11/02/2009.</p>	

2.12 Virginia State Regulatory Review

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