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## Environmental Regulatory Update Table

January 1991

G. T. Hawkins  
L. M. Houlberg  
M. S. Salk

Environmental Sciences Division  
Publication No. 3643

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ENVIRONMENTAL SCIENCES DIVISION  
ENVIRONMENTAL REGULATORY UPDATE TABLE  
JANUARY 1991

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L. M. Houlberg\*  
M. S. Salk

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\*Health & Safety Research Division

Environmental Sciences Division  
Publication No. 3643

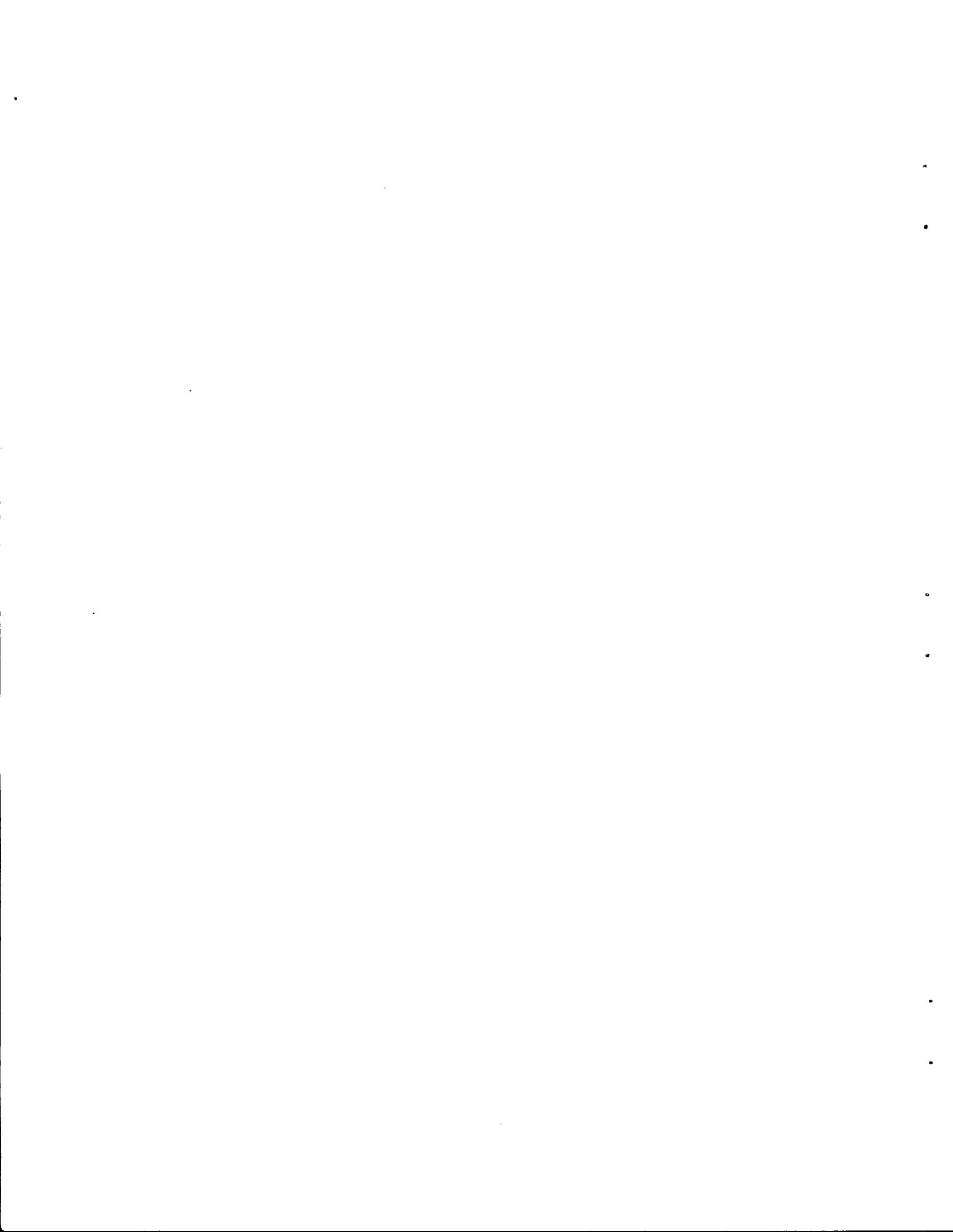
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Prepared for the  
U.S. Department of Energy  
Office of Environmental Guidance  
Lois Thompson  
Technical Project Manager  
(B/A No. HA 01 02 00 0; EHHA002)

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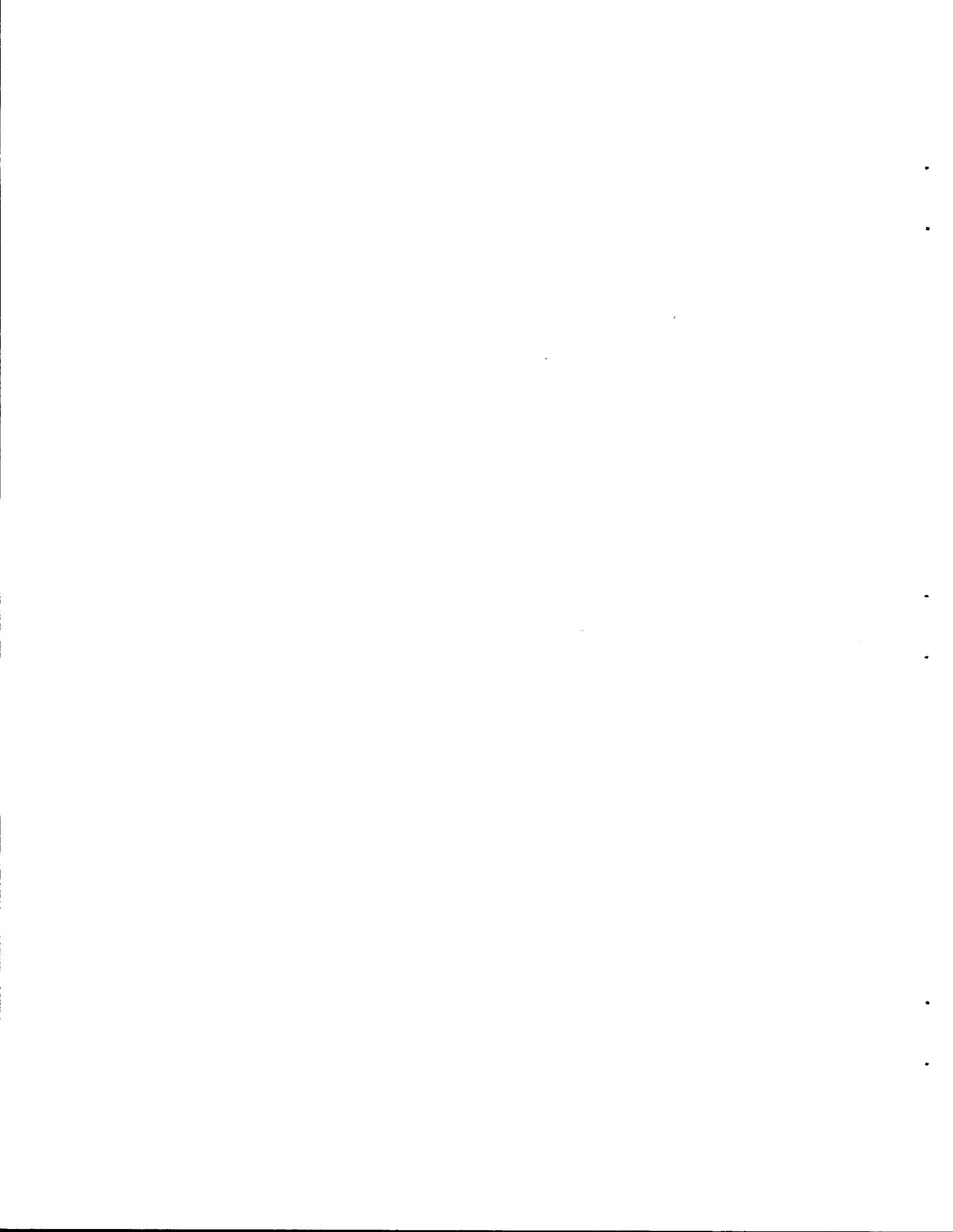
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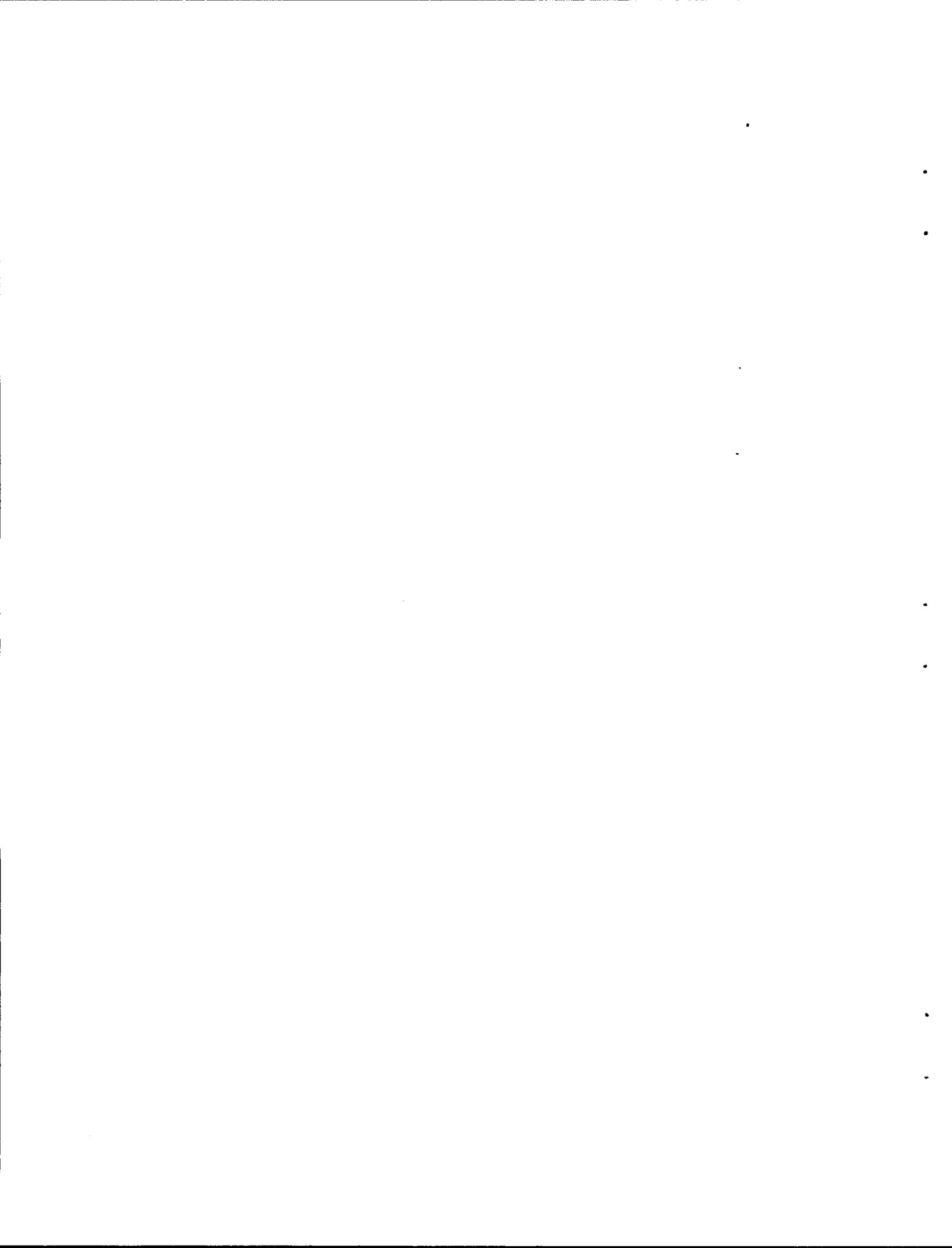
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## Monthly Environmental Regulatory Update

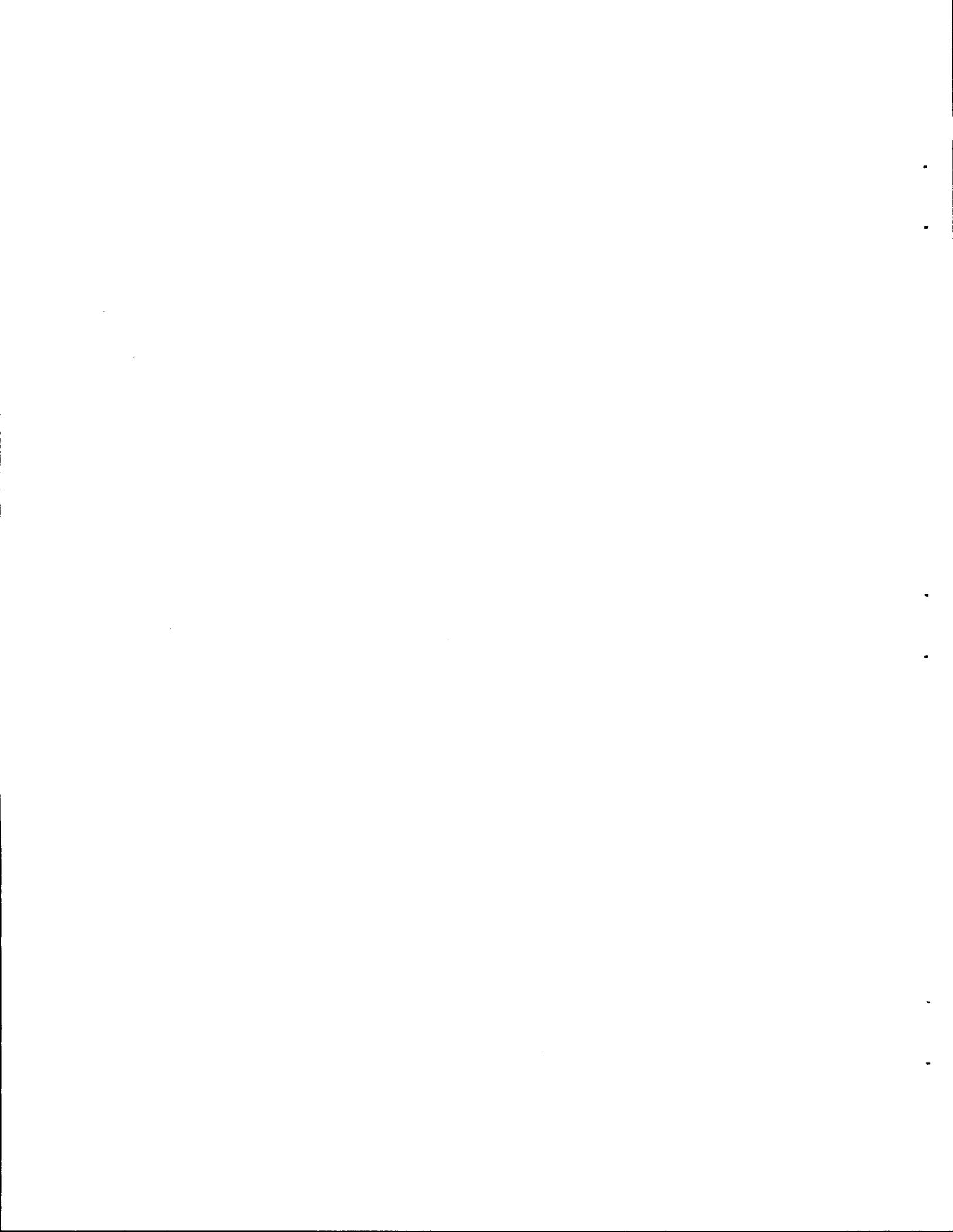
This report contains a monthly update of environmental regulatory activity that is of interest to the Department of Energy. It is provided to DOE operations and contractor staff to assist and support environmental management programs by tracking regulatory developments. Any proposed regulation that raises significant issues for any DOE operation should be reported to the Office of Environmental Guidance (EH-23) as soon as possible so that the Department can make its concerns known to the appropriate regulatory agency. Items of particular interest to EH-23 are indicated by a shading of the RU#.

Any questions or comments about any aspects of the Update Table should be directed to Lois Thompson, Air, Water, and Radiation Protection Division, Office of Environmental Guidance, U.S. Department of Energy (EH-23), (FTS) 896-9581, (Commercial) 202-586-9581.



## ABSTRACT

The Environmental Regulatory Update Table provides information on regulatory initiatives of interest to DOE operations and contractor staff with environmental management responsibilities. The table is updated each month with information from the Federal Register and other sources, including direct contact with regulatory agencies. Each table entry provides a chronological record of the rulemaking process for that initiative with an abstract and a projection of further action.

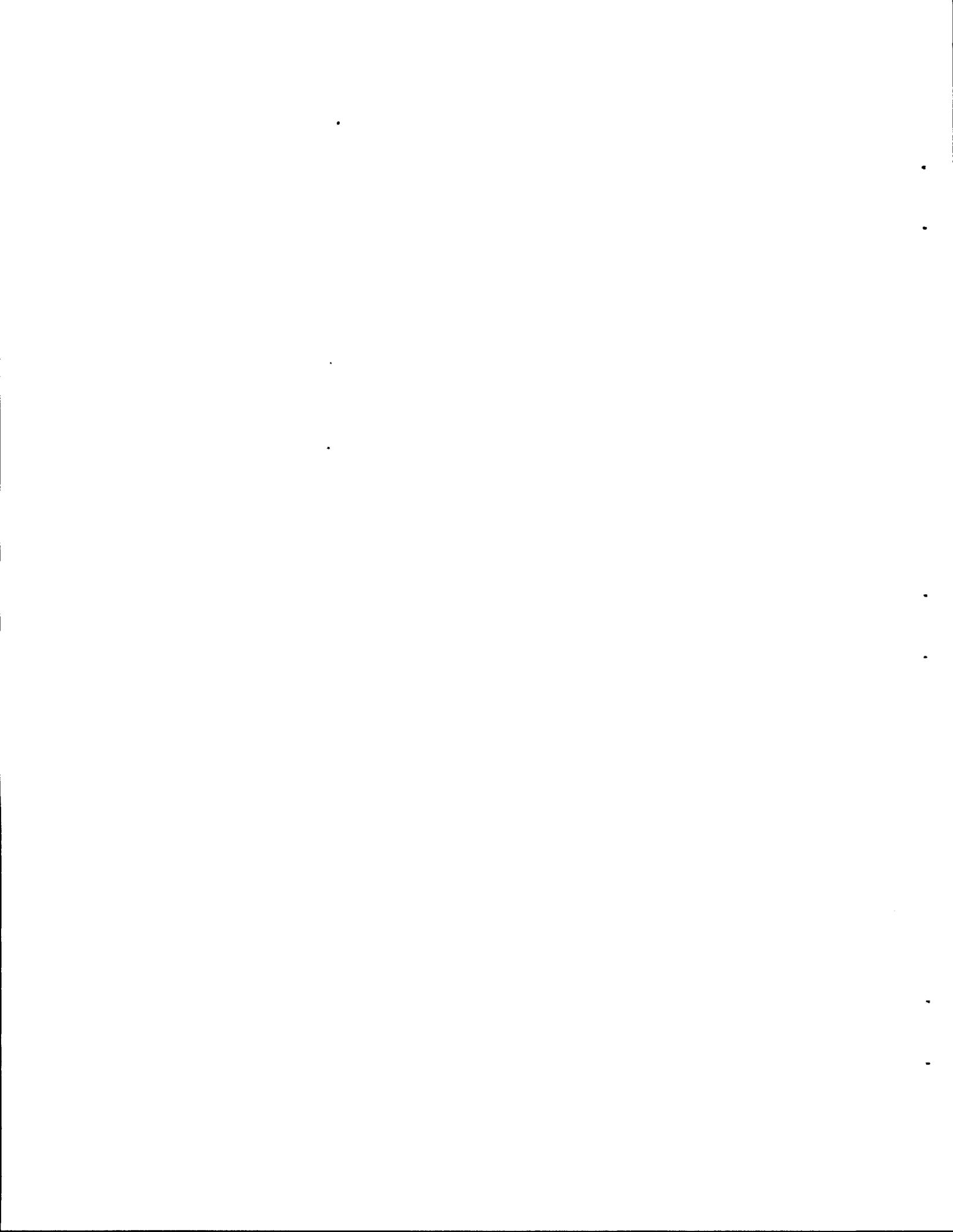


U.S. DEPARTMENT OF ENERGY

ASSISTANT SECRETARY FOR ENVIRONMENT, SAFETY AND HEALTH  
Office of Environmental Guidance

ENVIRONMENTAL REGULATORY UPDATE

JANUARY 1991

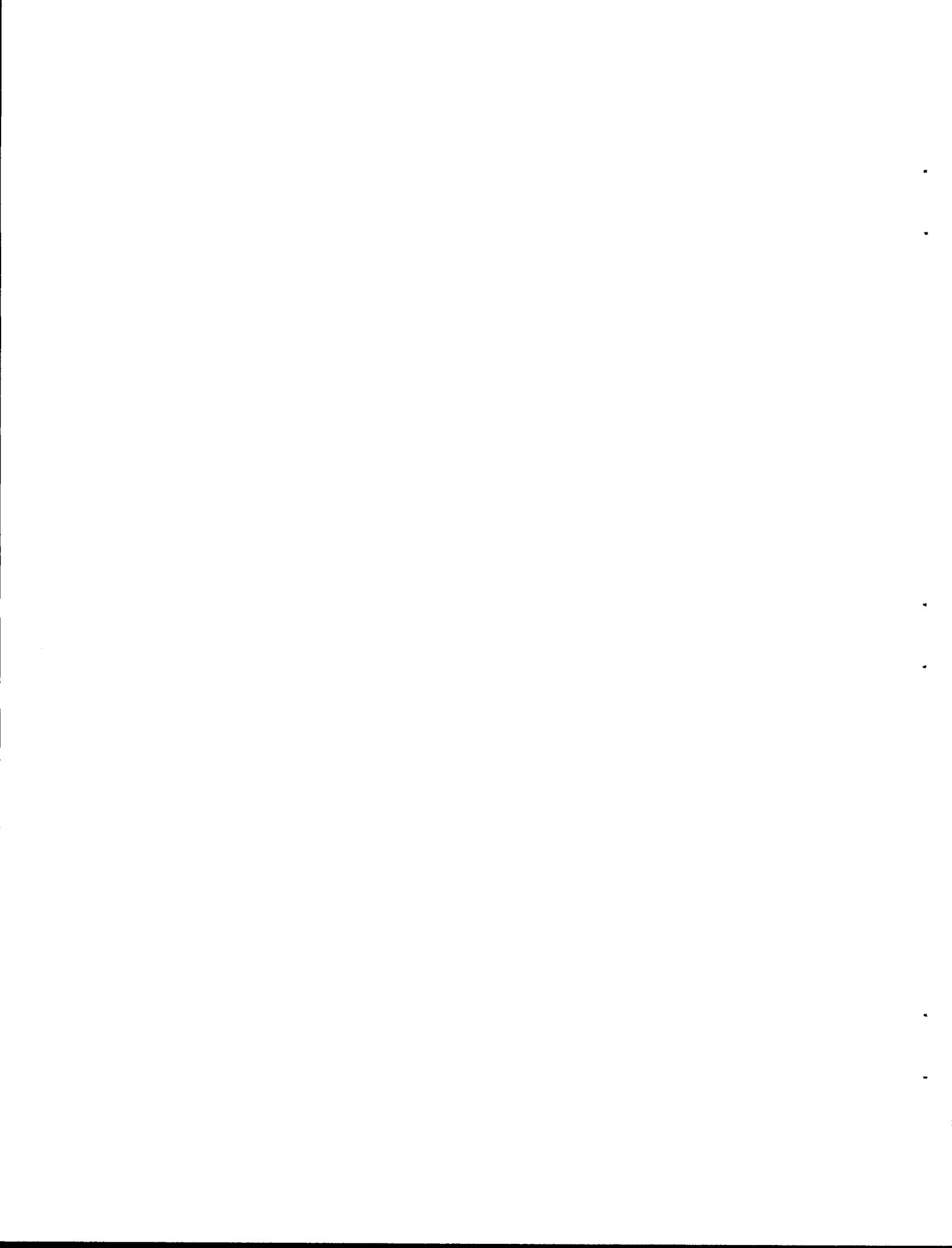


REGULATORY UPDATE TABLE - JANUARY 1991 UPDATE

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\*RU numbers are identifiers that are assigned to each regulatory initiative for tracking purposes. The first three digits are coded to the statute, and the last three digits are specific to individual initiatives. The update table is first organized by statutes as shown above and then by RU numbers arranged sequentially. An index is provided at the end of the table to relate CFR citations to RU numbers.



## **Regulatory Highlights - January, 1991**

### **1. Priority List of Substances for NPDWR Review - Notice**

As required by the Safe Drinking Water Act, EPA publishes its triennial Drinking Water Priority List (DWPL). The DWPL identifies contaminants known or anticipated to occur in drinking water which may require regulation (National Primary Drinking Water Regulations) under the SDWA. The present list revises the 1988 DWPL published on January 22, 1988 by adding 27 new substances and dropping three: ammonia, silver, and sodium. EPA kept 50 substances from the 1988 list, bringing to 77 the total number of contaminants/contaminant groups on the revised DWPL. The Agency used the following criteria for contaminant selection: (1) occurrence of the substance in public water systems, (2) documented or suspected adverse health effects of the contaminant, and (3) information on the substance, including health effects data, analytical methods, and treatability studies. Also, in selecting contaminants for the list, EPA was required to consider CERCLA Sect. 101(14) substances and pesticides registered under FIFRA. In placing 27 new substances on the DWPL, the Agency also used recommendations from states and EPA regions. EPA must propose NPDWRs for at least 25 contaminants on the DWPL within 24 months after publication of the list and promulgate 25 NPDWRs within 36 months after publication. The Agency welcomes comments or any suggestions for future revisions to the DWPL. This notice was effective January 14, 1991. (1-14-91, 56 FR 1470, RU# 880-014)

### **2. Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations at Hazardous Waste Facilities - Proposed Rule**

Under the authority of RCRA, EPA proposes to amend 40 CFR 265.91(a) which addresses ground-water monitoring system requirements for owners/operators of interim status treatment, storage, and disposal facilities (TSDFs). Currently, Sect. 265.91(a)(2) requires owners/operators of such facilities to install and operate a ground-water monitoring system consisting of at least three hydraulically downgradient monitoring wells located at the limit of the waste management area. The wells must provide immediate detection of any statistically significant amounts of hazardous waste or hazardous waste constituents migrating from the waste management area to the uppermost aquifer. EPA is proposing to add a new Sect. 265.91(a)(3) which would allow alternate placement of hydraulically downgradient monitoring wells where existing physical obstacles that cannot be avoided prevent installation at the limit of the waste management area. Specifically, the proposal calls for the owner/operator to demonstrate that alternate placement will meet the criteria of Sect. 265.91(a)(2). The written demonstration must be certified by a qualified geologist or geotechnical engineer and establish that: (1) an existing physical obstacle prevents installation of a monitoring well at the hydraulically downgradient limit of the waste management area, (2) the selected alternate downgradient location is as close as practical to the waste management area, and (3) the selected alternate location ensures immediate detection of any statistically significant amounts of hazardous waste or

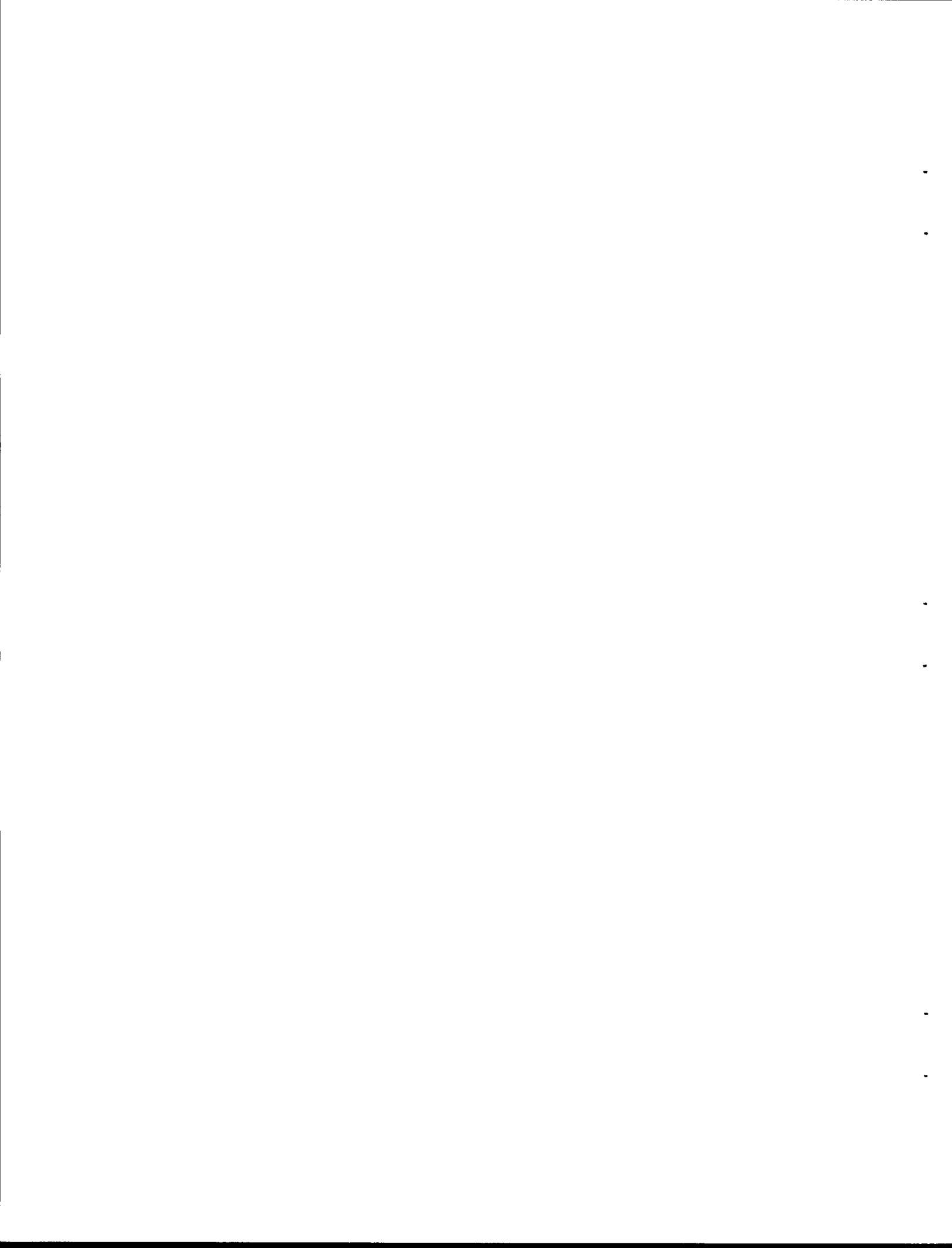
hazardous constituents that migrate from the waste management area to the uppermost aquifer. This proposal to allow an alternate downgradient location at interim status facilities will be limited to units existing on the effective date of this proposed amendment. However, EPA seeks comments on whether this provision should also apply to new, expanding, and replacement units. Since this proposed rule would reduce the stringency of Sect. 265.91(a), RCRA-authorized States would not be required to modify their programs to meet the requirements of this proposal. EPA seeks comments on this proposed rule by March 19, 1991.

(1-18-91, 56 FR 2108, RU# 840-297)

### **3. National Primary Drinking Water Regulations - Synthetic Organic Chemicals and Inorganic Chemicals - Final Rule**

As required by the Safe Drinking Water Act, EPA issues a final rule (NPRM 5/5/89, 54 FR 22062) establishing at 40 CFR 141, 142, and 143 maximum contaminant level goals (MCLGs) and National Primary Drinking Water Regulations (NPDWRs) for 26 synthetic organic chemicals (SOCs) and 7 inorganic chemicals (IOCs) including asbestos. The rule, Phase II of EPA's required promulgation of NPDWRs for 83 contaminants, brings to 60 the number of chemicals that must meet EPA's adopted drinking water standards. The regulation applies to all community and non-transient, non-community water systems. The MCLGs are set at concentration levels at which no known or anticipated adverse health effects would occur allowing for an adequate margin of safety. Developing a specific MCLG depends on carcinogenicity evidence from drinking water exposure or EPA's reference dose (RfD) calculated for each specific contaminant. The NPDWRs consist of either maximum contaminant levels (MCLs) or treatment techniques to regulate the chemicals under this rule. Treatment techniques were set only if it was not considered economically or technologically feasible to determine the level of a contaminant. Of the contaminants considered, only two, acrylamide and epichlorohydrin, required a treatment technique as the NPDWR. While MCLGs are non-enforceable health goals, MCLs are enforceable standards set as close to the MCLG as possible considering technical feasibility and cost. In this rule, EPA lists the analytical methods approved for use in monitoring compliance with the MCLs. The Agency also sets forth best available technologies (BATs) for meeting the MCLs for each contaminant. In addition to considering BAT effectiveness/feasibility and available analytical methods in selecting a MCL, the Agency also considered risks at the MCL level for the EPA Group A and B carcinogens. In issuing the NPDWRs for the contaminants, EPA also established monitoring, reporting, and public notification requirements. The monitoring requirements follow a three-tiered approach based on health significance and occurrence. All of the chemicals except nitrate, which is a Tier I contaminant, are being regulated as Tier II contaminants which allows States the discretion to increase or decrease monitoring based upon established criteria and site-specific conditions. The rule focuses monitoring in individual public water systems on the contaminants that are likely to occur. This approach allows States to reduce monitoring frequencies based upon system vulnerability assessments for those SOCs (volatile organics, pesticides, and PCBs) listed in Sect. 141.61(a) and (c) and for asbestos.

To simplify and coordinate monitoring requirements among various NPDWRs and to synchronize monitoring schedules, EPA, as part of the rule, developed a standardized monitoring framework. The new framework sets minimum monitoring frequencies and establishes nine-year compliance monitoring cycles consisting of 3 three-year compliance periods, the first beginning on January 1, 1993. The Agency has also developed monitoring requirements for 30 unregulated contaminants. EPA in this rule also sets secondary MCLs for silver and aluminum. Finally, due to changes in the health basis for the standards, EPA is reproposing (56 FR 3600) the MCLGs and MCLs for five contaminants (aldicarb, aldicarb sulfoxide, aldicarb sulfone, barium, and pentachlorophenol) which were part of the original proposal. This final rule will become effective on July 30, 1992.  
(1-30-91, 56 FR 3526, RU# 880-010)



REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
RESOURCE CONSERVATION AND RECOVERY ACT				
	Oil Pollution Prevention -- RU# 140-092			
	Pesticide Storage -- RU# 300-003			
840-006	Ignitable Hazardous Waste 40 CFR 261.21	Under development 50 FR 17818 4/19/85	EPA is developing tests and hazard thresholds for identifying ignitable solid wastes.	NPRM 8/91.
840-009	Management of Used Oil 40 CFR 260 40 CFR 261 40 CFR 266 40 CFR 270 40 CFR 271 40 CFR 302	NPRM 50 FR 49258 11/29/85 NOA 51 FR 8206 3/10/86 Tentative schedule 51 FR 41900 11/19/86 Decision not to regulate 53 FR 42528 10/24/88 Regulatory Agenda 55 FR 45174 10/29/90	EPA's decision not to list recycled oil as hazardous waste was remanded by the U.S. Court of Appeals on 10/7/88. Therefore, EPA is considering approaches for management of used oil that are consistent with the court's decision and is collecting additional information on the potential toxicity of used oil to be made available for public comment.	Notice of data availability, listing decision, supplemental NPRM 2/91. Final rule 2/92.

(a) NPRM = Notice of Proposed Rulemaking; ANPRM = Advanced Notice of Proposed Rulemaking; NOI = Notice of Intent; NOA = Notice of Availability. \* Indicates a change in date of scheduled action or a new rulemaking development during the past month. Shaded RU# indicates item of special interest to EH-23.

## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
840-024	Containerized Liquids in Landfills 40 CFR 260 40 CFR 264 40 CFR 265 40 CFR 271	NPRM 51 FR 46824 12/24/86 NOA 52 FR 23695 6/24/87 Regulatory Agenda 55 FR 45182 10/29/90	EPA proposes to prohibit disposal of free liquids and containers with liquid hazardous wastes and exclude the use of absorbents that biodegrade and release liquids when compressed. Certain small-quantity containers will be exempted. A test protocol will be proposed to determine whether hazardous or free liquids solidified by accepted absorbents would release free liquids under landfill pressures, and "biodegradable absorbents" will be defined. These rules will not apply to owners or operators of landfills in which only PCB chemical waste regulated under 40 CFR 761 are disposed. PCBs mixed with a RCRA hazardous waste must comply with all requirements under both RCRA and TSCA.	Final rule 7/94.
*840-051	Solid Waste Disposal Facility Criteria 40 CFR 257 40 CFR 258	NPRM 53 FR 33314 8/30/88 Regulatory Agenda 55 FR 45181 10/29/90	EPA proposes to amend 40 CFR 257 by including information requirements for certain solid waste disposal facilities, excluding municipal solid waste landfills (MSWLFs) from Part 257, and adding a new Part 258 to spell out specific requirements for MSWLFs.	Final rule 3/91.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*840-056	Burning of Hazardous Waste in Boilers and Industrial Furnaces 40 CFR 260 40 CFR 261 40 CFR 264 40 CFR 265 40 CFR 266 40 CFR 270 40 CFR 271	NPRM 52 FR 16982 5/6/87 Corrections 52 FR 18043 5/13/87 Corrections 52 FR 25612 7/8/87 Supplement to NPRM 54 FR 43718 10/26/89 Technical corrections 55 FR 17862 4/27/90 Regulatory Agenda 55 FR 45182 10/29/90	EPA proposes to establish standards for boilers and industrial furnaces that burn hazardous waste fuels in order to control emissions of organic compounds, metals, and hydrogen chloride. EPA issues a supplement discussing alternate approaches to address the following issues: control of CO, metals, HCl, particulate emissions, the small quantity burner exemption, the definition of waste that is indigenous when burned for reclamation, revisions to the proposed definition of halogen acid furnaces, applicability of the metals and organic emissions controls to smelting furnaces involved in materials recovery, and the status under the Beville amendment of residues from burning hazardous wastes. EPA makes technical corrections on three regulatory alternatives to issues presented in the 10/26/89 supplement to the NPRM.	<u>Final rule 2/91.</u>

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
840-071	Definition of Solid Waste - Technical Corrections 40 CFR 261 40 CFR 266	Final rule 50 FR 6141 1/4/85 Amendments 50 FR 14216 4/11/85 Technical corrections 50 FR 33541 8/20/85 Corrections 52 FR 21306 6/5/87 NPRM 53 FR 519 1/8/88 Correction 53 FR 6059 2/29/88 Regulatory Agenda 55 FR 45181 10/29/90	EPA proposes to exclude certain materials from its regulations (40 CFR Part 261) on recycled hazardous secondary materials. This regulation will provide: (1) EPA's interpretation of a court opinion concerning the Agency's authority to regulate certain recycled hazardous secondary materials and (2) amendments to the rules required by the court's opinion.	No projected timetable. Awaiting RCRA reauthorization.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
840-082	Identification of Hazardous Wastes by Toxicity Characteristics 40 CFR 261 40 CFR 271	NPRM 51 FR 21648 6/13/86 NOA 51 FR 24856 7/9/86 NOA 51 FR 33279 9/19/86 Supplemental NPRM 52 FR 18583 5/18/87 NOA 53 FR 18024 5/19/88 NOA; Supplemental NPRM 53 FR 28892 8/1/88 Final rule 55 FR 11798 3/29/90 Corrections 55 FR 26986 6/29/90 Corrections 55 FR 31387 8/2/90 Corrections 55 FR 32733 8/10/90 Final rule clarification 55 FR 39409 9/27/90	EPA revises the existing toxicity characteristics which are used to identify those wastes defined as hazardous and subject to regulation under RCRA. This rule: (1) replaces the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP); (2) adds 25 organic chemicals to the list of toxic constituents of concern; and (3) establishes regulatory levels for these organic chemicals based on health-based concentration thresholds and a dilution/attenuation factor that was developed using a subsurface fate and transport model. The rule incorporates a number of modifications in the leaching procedure, the list of toxicants, the chronic toxicity reference levels and the fate and transport model.  EPA clarifies the following issues: (1) regulatory status of surface impoundments managing newly-regulated TC wastes, (2) groundwater monitoring requirements for newly-regulated land disposal facilities, (3) Sect. 3010 notification requirements, and (4) permit modification requirements.	Final rule effective 9/25/90. Compliance with rule effective 9/25/90 for large quantity generators, 3/29/91 for small quantity generators. Clarification effective 9/25/90.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
840-107	Location Standards for TSD Facilities 40 CFR 261 40 CFR 264 40 CFR 265 40 CFR 270	Notice 55 FR 19981 5/14/90 Planned NPRM 55 FR 45176 10/29/90	EPA plans to propose additional standards for location of hazardous waste treatment, storage, and disposal facilities, in particular, in a variety of sensitive environments. Floodplain and seismic restrictions already existing at 40 CFR 264.18 and 265.18 will be amended based on new data and information.	NPRM 12/91. Final rule 4/93.
840-109	Land Disposal Liners and Leak Detection 40 CFR 260 40 CFR 264 40 CFR 265 40 CFR 270 40 CFR 271	NPRM 52 FR 20218 5/29/87 Regulatory Agenda 55 FR 45182 10/29/90	EPA proposes to require leak detection systems for new RCRA landfills and impoundments, extend the double liner requirement to waste piles and to landfills and impoundments not already covered, and develop a quality assurance program for certain impoundments and final covers.	Final rule 9/92.
840-131	Hazardous Waste TSD Facilities - Financial Assurance for Corrective Action 40 CFR 264 40 CFR 270 40 CFR 271	NPRM 51 FR 37854 10/24/86 Notice 54 FR 40728 10/3/89 Notice 55 FR 19981 5/14/90	EPA proposes to amend the financial responsibility and permitting standards for TSD owners and operators to require them to demonstrate financial assurance for completion of any required corrective action for a release to any medium from any solid waste management unit. Acceptable mechanisms include a trust fund, surety bond guaranteeing performance, letter of credit, financial test, or corporate guarantee.	Action date uncertain. May be repropoed, but will not be Subpart S.
840-133	Solid Waste Management Units - Corrective Action 40 CFR 264 40 CFR 265 40 CFR 270 40 CFR 271	NPRM 55 FR 30798 7/27/90 Regulatory Agenda 55 FR 45183 10/29/90	EPA proposes procedures and technical requirements for implementing corrective action for solid waste management units (SWMUs) at facilities seeking a permit under Sect. 3004(u) of RCRA. The proposal would create a new Subpart S to define requirements for conducting remedial investigations, evaluating potential remedies, and selecting and implementing remedies at RCRA facilities. It also proposes to amend RCRA part 270 permit requirements, make conforming changes to facility closure information requirements, and establish standards for states to become authorized to administer correction action requirements.	Final rule 1/93.

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840-135	Landfill, Surface Impoundment, and Waste Pile Closures 40 CFR 264 40 CFR 265 40 CFR 270	NPRM 52 FR 8712 3/19/87 Regulatory Agenda 55 FR 45176 10/29/90	EPA proposes amendments to the RCRA landfill, surface impoundment, and waste pile closure rule to allow the use of site-specific closure requirements. The regulations address waste and site characteristics, potential pathways of hazardous constituent migration, and health effects.	Action date on re-proposed NPRM and guidelines undetermined.
840-138	Double Liner and Leachate Collection System 40 CFR 124 40 CFR 144 40 CFR 260 40 CFR 264 40 CFR 265 40 CFR 270	NPRM 51 FR 10706 3/28/86 NOA 52 FR 12566 4/17/87 Regulatory Agenda 55 FR 45183 10/29/90	This rule proposes minimum technology requirements for double liner systems for land disposal units. Information comparing the performance of compacted soil and composite bottom liners and two draft technical guidance documents are available.	Final rule 9/92.
840-142	Air Emission Standards for Volatile Organics at TSD Facilities	Planned NPRM - Phase II 55 FR 45195 10/29/90	EPA will propose accelerated RCRA air emission standards for volatile organics emissions from tanks and impoundments at hazardous waste TSD facilities handling or recycling hazardous wastes containing 10% or more volatile organics. EPA also plans a Phase III rulemaking dealing with particular hazardous organic constituents.	NPRM 2/91. Final rule 4/92.
840-146	Treatment and Disposal of Hazardous Soil and Debris 40 CFR 268	Planned NPRM 55 FR 45177 10/29/90	EPA is investigating the need to set separate treatment standards for soil and debris containing hazardous waste.	NPRM 9/91. Final rule 9/92.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
840-148	Metals Emissions Controls for Hazardous Waste Incinerators 40 CFR 260 40 CFR 261 40 CFR 264 40 CFR 270	NPRM; supplemental NPRM; technical corrections 55 FR 17862 4/27/90 Correction 55 FR 20678 5/18/90	EPA proposes to: (1) amend the hazardous waste incinerator regulations to improve control of toxic metal, hydrogen chloride, and residual organic emissions; (2) define plasma arc and infrared incinerators; (3) regulate carbon regeneration units as thermal treatment devices; and (4) make minor revisions to the permitting procedures. EPA also makes technical corrections to three regulatory alternatives to issues presented in the 10/26/89 supplement to the proposed rule for burning hazardous waste in boilers and industrial furnaces (see RU# 840-056).	Final rule 11/91.
840-149	Experimental Facilities Conducting Hazardous Waste Research 40 CFR 264 40 CFR 270	Planned NPRM 55 FR 45177 10/29/90	Special permitting procedures will be established for facilities conducting research on the storage, treatment, or disposal of hazardous wastes to allow greater flexibility without requiring frequent permit modifications.	NPRM on hold.
840-151	State Programs - Compliance Monitoring and Enforcement 40 CFR 271.15 40 CFR 271.16	Planned NPRM 55 FR 45178 10/29/90	The regulations for state authorization requirements for compliance monitoring and enforcement will be revised to reflect HSWA. EPA will consider other changes, such as the requirement for states to have administrative penalty authority.	NPRM 3/91. Final rule 3/92.
*840-156	Batch-Type Adsorption Procedures for Estimating Soil Attenuation of Chemicals	NOA draft 52 FR 22380 6/11/87	EPA issues a NOA of a draft Technical Resource Document entitled "Batch-Type Adsorption Procedures for Estimating Soil Attenuation of Chemicals."	<u>Final document 3/91.</u>

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*840-162	Corrective Action Orders for USTs 40 CFR 24	NPRM 55 FR 33430 8/15/90 Regulatory Agenda 55 FR 45184 10/29/90	EPA proposes to extend the scope of authority of the rules governing issuance of and administrative hearings on SARA UST corrective action orders to RCRA Sect. 9003(h) UST corrective action orders.	<u>Final rule 3/91.</u>
840-171	Amendments to Groundwater Monitoring Regulations 40 CFR 260 40 CFR 264 40 CFR 270	NPRM 53 FR 28160 7/26/88 Regulatory Agenda 55 FR 45183 10/29/90	EPA proposes to amend Subpart F groundwater monitoring regulations to foster the early detection of leaks and to better tailor the current groundwater monitoring regulations to site-specific conditions.	Final rule 4/91.
840-173	Solid Waste Test Methods (Manual SW-846 Third Edition - Update 1) 40 CFR 260 40 CFR 261 40 CFR 262 40 CFR 264 40 CFR 265 40 CFR 268 40 CFR 270	NPRM 54 FR 3212 1/23/89 NOA 55 FR 4440 2/8/90 Regulatory Agenda 55 FR 45181 10/29/90	EPA proposes to update the Third Edition of SW-846, incorporate it into the RCRA regulations, and mandate minimum QC procedures for all RCRA testing. EPA proposes a number of technical modifications and/or clarifications to the Third Edition of SW-846 and the inclusion of specific QC procedures in SW-846 which are described in the "Report on Minimum Criteria to Assure Data Quality." The Agency is also considering deleting appendices III and X to 40 CFR 261.	Final rule 4/91.
840-175	Releases to Groundwater from Regulated Units - Corrective Action 40 CFR 264 40 CFR 270	Planned NPRM 55 FR 45177 10/29/90	These regulations will amend the technical and procedural requirements for conducting corrective action to clean up significant releases to groundwater from regulated hazardous waste units at operating, closed, or closing RCRA facilities and the requirements for implementing remedial action, remedy selection, and corrective measures.	NPRM placed on hold, pending action on RU# 840-133.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
840-176	Groundwater Monitoring - Hazardous Constituents 40 CFR 264 40 CFR 270	Planned NPRM 55 FR 45178 10/29/90	EPA will propose revisions to a list of hazardous constituents, Appendix IX of 40 CFR 264, for use in groundwater monitoring. This amendment would also create a new list for the first part (Detection Monitoring) of the groundwater monitoring program.	NPRM 5/91.
840-185	UST - Financial Responsibility 40 CFR 280	ANPRM 53 FR 3818 2/9/88 Planned NPRM 55 FR 45180 10/29/90	EPA will propose to establish financial responsibility requirements for owners and operators of underground storage tanks (UST) containing hazardous substances. An exemption is to be proposed for federally owned tanks.	NPRM 9/91. Final rule 9/92.
840-189	Wastes from the Combustion of Coal 40 CFR undetermined	NOA 53 FR 9976 3/28/88 Regulatory Agenda 55 FR 45172 10/29/90	EPA has issued "Report to Congress: Wastes from the Combustion of Coal by Electric Utility Power Plants," compiled in response to Sect. 8002(n) of RCRA. EPA will determine whether to regulate these wastes.	Regulatory determination postponed indefinitely, pending RCRA reauthorization.
840-191	Municipal Waste Combustor Ash Management 40 CFR undetermined	Planned NPRM 55 FR 45174 10/29/90	EPA has determined a need to develop a management scheme for handling and disposing of municipal waste combustor ash. The Agency is considering various options for addressing concerns over fugitive dust emissions and groundwater contamination.	On hold, awaiting RCRA reauthorization.
840-193	No-Migration Variance for Restricted Hazardous Waste Land Disposal 40 CFR 268	Planned NPRM 55 FR 45173 10/29/90	A regulation will be proposed that interprets the statutory requirements for making a "no-migration" demonstration that would allow the land disposal of untreated hazardous waste that has been restricted from land disposal. The regulation will define such terms as "no-migration," "responsible degree of certainty," "hazardous constituent," and "unit."	NPRM 2/91. Final rule 2/92.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
840-195	Identification and Listing of Hazardous Wastes - De minimus Exemption Levels 40 CFR 260 40 CFR 261 40 CFR 262 40 CFR 264 40 CFR 265 40 CFR 270 40 CFR 271 40 CFR 302	Planned NPRM 55 FR 45174 10/29/90	EPA will propose exemptions from regulation for any currently listed wastes that are not hazardous because the hazardous constituents are present at levels lower than the concentration levels established by this rule. This includes chlorinated aliphatics production wastes and wastes from explosives and inorganic chemicals.	NPRM 3/91. Final rule 3/92.
840-201	Land Disposal Restrictions - TCLP (Method 1311) Particle Size Reduction Requirement 40 CFR 268	NPRM 53 FR 18792 5/24/88	EPA proposes to revise the Toxicity Characteristic Leaching Procedure (TCLP), "Method 1311." The changes involve the use of a stainless steel cage in the bottle extractor to eliminate the particle size reduction requirement.	Final rule on hold. Most likely will be withdrawn.
*840-209	State Hazardous Waste Management Program - North Carolina 40 CFR 271	Immediate final rule 56 FR 1929 1/18/91	EPA grants final authorization to North Carolina for its state hazardous waste program revisions, subject to public review and comment.	<u>Comments by 2/19/91. Final authorization effective 3/19/91.</u>
*840-221	Hazardous Waste Management System - Subpart C - Groundwater Data 40 CFR 260.22	NPRM 54 FR 41930 10/12/89 Regulatory Agenda 55 FR 45182 10/29/90	EPA proposes to require those who submit delisting petitions for hazardous wastes to provide groundwater monitoring data as part of their petition.	<u>Final rule Fall 1991.</u>

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
840-223	Definition of Wastewater Treatment Unit 40 CFR 260 40 CFR 270	NPRM 55 FR 29230 7/18/90 Regulatory Agenda 55 FR 45184 10/29/90	EPA proposes to amend the definition of "wastewater treatment unit" in 40 CFR 260.10 and 270.2 to clarify that thermal treatment units, except for sludge dryers, are not wastewater treatment units and are not thus exempt from RCRA. The Agency also proposes a definition for "sludge dryers" that will clearly distinguish them from incinerators and other types of thermal treatment units.	Final rule 7/91.
840-225	State Solid Waste Management Program - New Jersey 40 CFR 256	NPRM 53 FR 40243 10/14/88	EPA proposes to approve the State of New Jersey Solid Waste Management Plan, subject to public review and comment.	Final rule undetermined.
840-230	Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements 40 CFR 280 40 CFR 281	Interim final rule 55 FR 18566 5/2/90  NPRM 55 FR 24692 6/18/90 Regulatory Agenda 55 FR 45184 10/29/90  NPRM 55 FR 27837 7/6/90 Final rule 55 FR 46022 10/31/90	EPA modifies the compliance dates under 40 CFR 280.91(c) to provide additional time for the development of financial assurance mechanisms, especially state assurance funds, for all petroleum marketing firms owning 13-99 USTs at more than one facility.  EPA proposes to add to the 10/26/88 final rule four alternative mechanisms for use by local governments to demonstrate financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental underground storage tank releases.  EPA amends the 10/26/88 final rule by modifying the compliance dates under 40 CFR 280.91(d) for all petroleum marketing firms owning 1-12 USTs, local government entities, and non-marketers whose net worth is less than 20 million dollars. EPA also extends the deadline for compliance with Subpart H - Financial Responsibility from 10/26/90 to 10/26/91 to allow additional time for the development of state financial assurance funds.	Interim final rule effective 5/2/90. Certification of compliance date extended to 4/26/91.  Final rule 7/91.  Final rule effective 10/31/90. Final compliance date 10/26/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
840-231	Waste Minimization Program for Hazardous Waste Generators	Draft guidance document 54 FR 25055 6/12/89	EPA issues "Draft Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program," intended to help generators comply with the certification requirements of Sects. 3002(b) and 3005(h) of RCRA/HSWA. The guidance is an application of the proposed source reduction and recycling policy statement (see RU# 840-232).	Final guidance document 2/91.
*840-232	Pollution Prevention Policy Statement (Source Reduction and Recycling)	Proposed Policy Statement 54 FR 3845 1/26/89	EPA makes available for comments its proposed policy statement on pollution prevention. EPA's proposed policy encourages organizations, facilities, and individuals to fully utilize source reduction and recycling techniques in order to reduce risk to public health, safety, welfare, and the environment. See RU# 840-231 for draft guidance document that is an application of this proposed policy statement.	<u>Final strategy to be released 2/91.</u> <u>Will not be published in Federal Register.</u> <u>Call (202) 382-4715 to obtain a copy.</u>

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*840-250	Land Disposal Restrictions for Third Third of Scheduled Wastes 40 CFR 148 40 CFR 261 40 CFR 262 40 CFR 264 40 CFR 265 40 CFR 268 40 CFR 270 40 CFR 270 40 CFR 271 40 CFR 302	NPRM 54 FR 48372 11/22/89 Final rule 55 FR 22520 6/1/90 Corrections 55 FR 33693 8/17/90  Technical amendment 56 FR 3864 1/31/91	EPA promulgates RCRA land disposal restrictions for the third third wastes including treatment standards and prohibition effective dates, as well as underground injection effective dates. EPA also gives interpretations of the following issues: The dilution prohibition, Bevill Amendment wastes, the applicability of California list prohibitions to wastes receiving national capacity variances and newly listed wastes, and commercial chemicals that are hazardous wastes when discarded. Mixed radioactive and hazardous wastes are also regulated.  EPA corrects errors and clarifies the language in the final rule preamble and regulations.	Final rule effective 5/8/90. Compliance with treatment standards effective 8/8/90. Corrections effective 5/8/90.  <u>Effective 1/31/91.</u>
840-251	Hazardous Waste Sump Requirements 40 CFR 260 40 CFR 264 40 CFR 265	Planned NPRM 55 FR 45178 10/29/90	EPA will propose to amend several hazardous waste tank system requirements as applied to existing sumps that are situated inside buildings and constructed as an integral part of the building's floor or foundation. Boeing Company is petitioning EPA to regulate these sumps independently of other hazardous waste storage/treatment tank systems because of differences in design, construction, and use.	NPRM undetermined.
*840-264	Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities	NOA 54 FR 37501 9/11/89 Correction 54 FR 50019 12/4/89	EPA announces the availability of an interim final guidance document entitled "Statistical Analysis of Ground-Water Monitoring Data at RCRA Facilities." The document provides guidance to RCRA facility permit applicants and writers concerning the statistical evaluation of ground-water monitoring data pursuant to the recently promulgated requirements of 40 CFR 264 Subpart F.	<u>No further guidance document to be published; interim guidance stands as final document.</u>

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*840-266	Determination on Solid Waste From Selected Mineral-Processing Operations 40 CFR 260 40 CFR 261 40 CFR 262	Final rule 54 FR 36592 9/1/89 NPRM 54 FR 39298 9/25/89 Final rule 55 FR 2322 1/23/90 NOA 55 FR 32135 8/7/90  NOA 56 FR 525 1/7/91	EPA has completed development of a list of "high-volume", "low hazard" ore processing wastes for study under RCRA and, in response to a court opinion, has conducted a study of those processing wastes excluded from Subtitle C regulation by the "Bevill Amendment." After the study is reported to Congress, EPA has six months to determine whether to regulate any of these wastes under subtitle C.  EPA announces the availability of recently acquired data on five of the twenty mineral processing wastes studied in the July 1990 Report to Congress on Special Wastes From Mineral Processing.	Final rule effective 7/23/90. <u>Notice of regulatory determination 5/91.</u>
840-267	Identification and Listing of Hazardous Wastes from Chlorotoluene Production 40 CFR 261 40 CFR 271 40 CFR 302	Planned NPRM 55 FR 45175 10/29/90	The hazardous waste listing regulations will be amended to add new waste codes from the production of chlorotoluene and to designate these wastes hazardous substances under CERCLA.	NPRM 4/91.
*840-268	Identification and Listing of Hazardous Wastes from Coke By-Product Industries 40 CFR 261 40 CFR 271 40 CFR 302	Planned NPRM 55 FR 45175 10/29/90	The hazardous waste listing regulations will be amended by adding eight new waste codes from the coke by-products industry. These wastes will be designated hazardous substances under CERCLA.	<u>NPRM 3/91. Final rule 3/92.</u>

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*840-269	Technical Amendment to Final UST Rules For Overfill Prevention 40 CFR 280	NPRM 55 FR 17767 4/27/90 Regulatory Agenda 55 FR 45184 10/29/90	In response to a petition for rulemaking, EPA proposes to add a standard to the UST regulations to allow the use of overfill prevention equipment that can achieve certain levels of performance.	<u>Final rule 7/91.</u>
840-286	Permit Modifications to Hazardous Waste Management Facilities 40 CFR 270.41	Planned NPRM 55 FR 45174 10/29/90	Amendment will allow EPA to modify a permit to correct an inadvertent omission of an applicable RCRA requirement which is in effect prior to the date of permit issuance. The permit correction would follow the modification procedures in 40 CFR 124. Citizens would be able to request such a correction using existing procedures in 40 CFR 124.5.	NPRM 4/91. Final rule 4/92.
840-287	Adequacy Determinations for State Solid Waste Programs	Planned NPRM 55 FR 45179 10/29/90	This regulation will describe procedures EPA will use to make determinations of adequacy for state solid waste permitting programs, as required by Sect. 4005 of RCRA.	NPRM 4/91.
*840-292	Waste Minimization Incentives	Notice; request for comments 55 FR 40881 10/5/90	EPA will evaluate current incentives and the feasibility and desirability of adding more incentives to promote reductions in the volume and toxicity of hazardous waste generation.	<u>Comments will be incorporated into EPA's pollution prevention strategy and subsequent regulations; will be tracked under RU# 840-232.</u>
840-293	DOE Integrated Environmental Restoration and Waste Management Program	NOI 55 FR 42633 10/22/90	DOE announces its intent to prepare a programmatic EIS to assess the potential environmental consequences of alternatives for implementing an integrated environmental restoration and waste management program that would provide a broad, systematic approach to addressing cleanup activities and waste management practices. A series of public scoping meetings will be held.	Draft PEIS early 1992, final PEIS 1993.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
840-294	Amendments to Biennial Reporting Requirements 40 CFR 262.41 40 CFR 264.75 40 CFR 271.10	Planned NPRM 55 FR 45176 10/29/90	EPA plans an amendment to require states to modify their hazardous waste reporting systems to collect additional data elements from their large quantity generators and TSD facilities. Such data will help EPA to better understand the demographics of hazardous waste generation and management.	NPRM 4/91.
840-295	Treatment of Indian Tribes as States Under RCRA Subtitle C 40 CFR 271	Planned NPRM 55 FR 45178 10/29/90	EPA will propose to treat Indian tribes as states for purposes of the Subtitle C program. This regulation will establish the definition of an Indian tribe and the criteria it must meet to be treated as a state for authorization purposes.	NPRM 6/91.
*840-296	Materials Source Separation for Municipal Waste Landfills 40 CFR 256 40 CFR 257 40 CFR 258	Planned ANPRM 55 FR 45179 10/29/90	In response to the shortage of landfill capacity, EPA issued in 1989 a strategy for improving the management of municipal solid waste which set a national goal of 25% source reduction and recycling by 1992. EPA is considering whether to propose a source separation proposal for municipal landfills to help accomplish this objective.	<u>ANPRM undetermined; may be withdrawn.</u>
*840-297	Standards for Downgradient Groundwater Monitoring Well Locations 40 CFR 265	NPRM; NOA 56 FR 2108 1/18/91	EPA proposes to allow alternate placement of hydraulically downgradient monitoring wells at interim status facilities where existing physical obstacles prevent installation at the limits of the waste management area.	<u>Comments by 3/19/91.</u>

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT				
180-010	National Priorities List - Second Update 40 CFR 300	NPRM 49 FR 40320 10/15/84 Final rule 51 FR 21054 6/10/86 Final rule amended 52 FR 27620 7/22/87 Final rule 55 FR 6154 2/21/90 Final rule 55 FR 35502 8/30/90	EPA adds ten sites to the NPL from those proposed in the second update. Eleven sites from the second update remain proposed.	Final rule of 7/22/87 effective 8/21/87. Final rule of 2/21/90 effective 3/23/90. Final rule of 8/30/90 effective 10/1/90. Final rule for remaining sites by 2/91.
*180-025	Natural Resource Damage Assessments - Type B 43 CFR 11	ANPRM 54 FR 39016 9/22/89 Planned NPRM 55 FR 44582 10/29/90	DOI intends to make modifications to its ongoing efforts to develop a type B natural resource damage assessment procedure which is a procedure for detailed assessments in individual cases.	<u>NPRM 2/91.</u>
*180-028	Hazardous Substances - Tetrachloroethylene Carcinogen Classification 40 CFR 261 40 CFR 271 40 CFR 302	Amendment to preambles 56 FR 643 1/8/91	EPA deletes tetrachloroethylene from the list of substances referred to as Group B2 carcinogens and deletes it from the preambles of the final rules promulgated on 8/14/89 (54 FR 33418) and 12/11/89 (54 FR 50968).	<u>Effective immediately.</u>

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*180-031	Response Claims Procedures 40 CFR 307	NPRM 54 FR 37892 9/13/89 Corrections 54 FR 46423 11/3/89 Regulatory Agenda 55 FR 45205 10/29/90	EPA proposes to establish procedures for (1) filing, evaluating, and resolving claims for costs incurred for responding to releases of hazardous substances, pollutants, or contaminants and (2) notifying concerned parties regarding limitations on the payment of response claims.	<u>Final rule 5/91.</u>
180-037	National Priorities List - Fifth Update 40 CFR 300	NPRM 51 FR 21099 6/10/86 Final rule 52 FR 27620 7/22/87 Final rule 54 FR 13296 3/31/89 Correction 54 FR 34991 8/23/89 Final rule 54 FR 41015 10/4/89 Final rule 55 FR 6154 2/21/90 Final rule 55 FR 35502 8/30/90	EPA adds two sites to the NPL from those proposed in the fifth update. Two sites in the fifth update remain proposed.	Final rule of 7/22/87, effective 8/21/87. Final rule of 3/31/89 effective 5/1/89. Final rule of 10/4/89 effective 11/3/89. Final rule of 2/21/90 effective 3/23/90. Final rule of 8/30/90 effective 10/1/90. Final rule for remaining sites by 2/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
180-038	National Priorities List - Sixth Update 40 CFR 300	NPRM 52 FR 2492 1/22/87 Final rule 52 FR 27620 7/22/87 Final rule 54 FR 41015 10/4/89 Final rule 55 FR 6154 2/21/90 Final rule 55 FR 35502 8/30/90	EPA adds six sites to the NPL from those proposed in the sixth update. One site in the sixth update remains proposed.	Final rule of 7/22/87 effective 8/21/87. Final rule of 10/4/89 effective 11/3/89. Final rule of 2/21/90 effective 3/23/90. Final rule of 8/30/90 effective 10/1/90. Final rule for remaining sites by 2/91.
180-039	National Priorities List - Seventh Update 40 CFR 300	NPRM 53 FR 23988 6/24/88 Final rules 54 FR 41000 54 FR 41015 10/4/89 Final rule 55 FR 6154 2/21/90 Final rule 55 FR 35502 8/30/90	EPA adds fifty-four sites to the NPL from those proposed in the seventh update. Four sites from the seventh update remain proposed.	Final rules of 10/4/89 effective 11/3/89. Final rule of 2/21/90 effective 3/23/90. Final rule of 8/30/90 effective 10/1/90. Final rule for remaining sites by 2/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
180-042	Federally Permitted Releases 40 CFR 117 40 CFR 302 40 CFR 355	NPRM 53 FR 27268 7/19/88 Supplemental Notice 54 FR 29306 7/11/89 Regulatory Agenda 55 FR 45204 10/29/90	EPA proposes to clarify the federally permitted release exemptions from CERCLA release reporting and liability provisions.	Final rule 4/91.
180-044	Hazard Ranking System 40 CFR 300	ANPRM 52 FR 11513 4/9/87 NPRM 53 FR 51962 12/23/88 NOA 54 FR 37949 9/14/89 Final rule 55 FR 51532 12/14/90	EPA revises the Hazard Ranking System, the principal mechanism for placing sites on the NPL. The NPL is a list of releases and potential releases of hazardous substances, pollutants, or contaminants that are eligible for Superfund-financed remedial actions. These revisions change the way EPA will evaluate potential threats to public health and the environment from hazardous waste sites and make risk assessment more accurate.	Final rule effective 3/14/91.
180-056	Designation of Extremely Hazardous Substances as CERCLA Hazardous Substances 40 CFR 302	NPRM 54 FR 3388 1/23/89 Notice 54 FR 15802 4/19/89 Regulatory Agenda 55 FR 45204 10/29/90	EPA proposes to designate 232 extremely hazardous substances (EHSs), as defined in Sect. 302 of SARA, as hazardous substances pursuant to Sect. 102 of CERCLA. EPA intends to reduce potential confusion concerning the different SARA Title III and CERCLA requirements by ensuring consistent procedures for reporting releases of all EHSs.	Final rule 5/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
180-065	Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases 40 CFR 310	Interim final rule 52 FR 39386 10/21/87 Regulatory Agenda 55 FR 45206 10/29/90	EPA authorizes reimbursement of local governments for costs incurred in providing temporary emergency measures in response to releases of hazardous substances. Reimbursement is limited to \$25,000 per incident and is not intended to supplant local funds normally provided for response.	Final rule 4/91.
180-072	RQ Adjustments for Substances on the Extremely Hazardous Substances List 40 CFR 302 40 CFR 355	NPRM 54 FR 35988 8/30/89 Regulatory Agenda 55 FR 45204 10/29/90	EPA proposes to adjust the reportable quantities (RQs) for 232 substances on the extremely hazardous substance list, which EPA has proposed for designation as CERCLA hazardous substances.	Final rule 5/91.
180-073	National Contingency Plan - Off-Site Response Actions 40 CFR 300 40 CFR 300.440	NPRM 53 FR 48218 11/29/88 Regulatory Agenda 55 FR 45204 10/29/90	EPA proposes to amend the National Contingency Plan by adding a new Sect. 300.440 dealing with the off-site management of CERCLA wastes, including those resulting from CERCLA decision documents signed before the enactment of SARA. The rule prescribes procedures whereby affected facilities may ask EPA for review of the off-site acceptability determinations.	Final rule 2/91.

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180-096	CERCLA Cost Recovery Program 40 CFR 308	Planned NPRM 55 FR 45202 10/29/90	EPA is granted the authority, under CERCLA, to hold potentially responsible parties (PRPs) liable for the cost of cleanup. It is Agency policy to pursue those PRPs for cost expected if a cleanup settlement is not reached. This rulemaking will be used to identify the specific recoverable costs, the documentation sufficient to prove EPA's case, and the documents that will be available to PRPs.	NPRM 2/91. Final rule 12/91.
180-097	National Priorities List - Tenth Update 40 CFR 300	NPRM 54 FR 43778 10/26/89 Final rule 55 FR 9688 3/14/90 Final rule 55 FR 35502 8/30/90 Regulatory Agenda 55 FR 45205 10/29/90	EPA adds twenty-three sites to the NPL from those proposed in the tenth update. One site in the tenth update remains proposed.	Final rule of 3/14/90 effective immediately. Final rule of 8/30/90 effective 10/1/90. Final rule for remaining sites by 2/91.
180-105	RQs of Lead, Lead Compounds, and Lead-Containing Hazardous Waste Streams 40 CFR 117 40 CFR 302 40 CFR 355	Planned NPRM 55 FR 45202 10/29/90	EPA is considering proposing a rule to adjust the reportable quantities of lead metal, lead compounds, and lead-containing hazardous waste streams.	NPRM 7/91.
180-106	Procedures for Reimbursement Petitions Under CERCLA 40 CFR undetermined	Planned NPRM 55 FR 45203 10/29/90	EPA is considering proposing a rule to set out a uniform process to review petitions for cost reimbursement filed by parties who have been ordered to clean up Superfund sites.	NPRM 5/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
180-107	Natural Resource Damage Assessments - Oil Pollution 15 CFR Ch. IX	ANPRM 55 FR 53478 12/28/90	NOAA intends to develop proposed regulations pursuant to Sect. 1006 of the Oil Pollution Act of 1990 to establish procedures by which natural resources trustees may determine recoverable damages as compensation for injury, loss, or destruction of natural resources as a result of a discharge of oil into or upon navigable waters or adjoining shorelines.	Comments by 2/26/91.
*180-108	National Toxicology Program	NOA 56 FR 2531 1/23/91	The National Toxicology Program (NTP) announces the availability of the NTP Annual Plan for Fiscal Year 1990. The Plan discusses current and past research studies and program accomplishments to date and lists chemicals and toxicological methods currently being researched.	<u>Comments at any time.</u>
SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT				
SARA Section 110 Chemicals Generic Test Rule -- RU# 920-113				
190-005	Section 313 Sunset Review Amendments 40 CFR 372	Final rule 53 FR 4500 2/16/88 NPRM 56 FR 1155 1/11/91	EPA proposes to retain the range reporting option on the Sect. 313 toxic chemical release reporting form and the optional pollution prevention question on Form R.	<u>Comments by 2/11/91.</u>

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
190-014	Technical Assistance Grants - NPL Sites 40 CFR 300 40 CFR 35 40 CFR Ch. 1	ANPRM 52 FR 22244 6/10/87 Interim final rule 53 FR 9736 3/24/88 Interim final rule amendment 54 FR 49848 12/1/89 Regulatory Agenda 55 FR 45205 10/29/90	EPA issues an interim final rule specifying requirements citizens' groups must meet to obtain technical assistance grants. EPA amends its interim final rule regarding the technical assistance grant program in order to foster greater participation of citizens' groups in the grant program. The grants are limited to \$50,000 per site and requires matching funds. This limit may be waived.	Interim final rule effective 3/24/88. Amendment effective 12/1/89. Final rule 9/91.
190-038	Regulations Governing Citizen Suits - EPCRA 40 CFR 310 40 CFR 326 40 CFR 373 40 CFR 374	NPRM 54 FR 3918 1/26/89 Regulatory Agenda 55 FR 45206 10/29/90	EPA proposes regulations prescribing the manner in which notice of citizen suits is to be provided.	Final rule 3/91.
*190-042	Administrative Hearing Procedures for Superfund Claims 40 CFR 305	Planned NPRM 55 FR 45203 10/29/90	EPA will establish procedures for conducting administrative hearings for persons who have made claims against Superfund but are dissatisfied with the award.	<u>NPRM 8/91.</u>
190-043	Administrative Hearing Procedures for SARA Class I Civil Penalties 40 CFR 22	Interim final rule 54 FR 21174 5/16/89 Regulatory Agenda 54 FR 45342 10/30/89	EPA establishes procedures for the administrative assessment of Class I civil penalties for violations of provisions specified in Sect. 109 of CERCLA and Sect. 325 of EPCRA.	Interim final rule effective 5/16/89. Final action uncertain. May be merged with Class II penalties rule (RU# 190-044) or covered under a civil penalties consolidated rule EPA is considering.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
190-044	Administrative Hearing Procedures for SARA Class II Civil Penalties 40 CFR 22	Interim final rule 54 FR 21174 5/16/89 Regulatory Agenda 55 FR 45206 10/29/90	EPA establishes procedures for the administrative assessment of Class II civil penalties for violations of provisions of Sect. 109 of CERCLA and Sect. 325 of EPCRA.	Interim final rule effective 5/16/89. Final rule 8/91.
190-045	Public Information - Confidentiality of Business Information 40 CFR 2	NPRM 54 FR 38156 9/14/89	EPA proposes to amend 40 CFR 2 to state that certain information collected under Sect. 313 of SARA relating to discharges to the air or water will be considered emission or effluent data under the Clean Air Act or the Clean Water Act, respectively, and will not be accorded confidential treatment.	Final rule at OMB for review. Publication date uncertain.
190-048	Superfund Response Action Contractor Indemnification	Proposed policy 54 FR 46012 10/31/89	EPA issues a proposed guidance document to implement Sect. 119 of CERCLA as amended by SARA. Sect. 119 provides the President with discretionary authority to indemnify response action contractors (RACs) for negligent releases arising out of response action activities at sites on the NPL and removal action sites. As delegated by the President, EPA may also extend indemnification to states (or a political subdivision) and potentially responsible parties (PRPs).	Final guidance document 3/91.
190-049	Toxic Chemical Release Reporting - Deletion of Barium Sulfate 40 CFR 372	NPRM 55 FR 4879 2/12/90	EPA proposes to exempt barium sulfate from the reporting requirements of the "barium compounds" category of the list of toxic chemicals under EPCRA.	Final rule undetermined.
*190-051	Toxic Chemical "Peak Release" Reporting Rule (Revision) 40 CFR 372	Planned NPRM 55 FR 45150 10/29/90	EPA will propose to add a "peak release" report element to the Toxic Chemical Release Inventory Reporting Form. The proposal addresses the issue of obtaining more specific indication of the frequency and/or duration of releases in order to better assess risks to health and the environment.	<u>NPRM undetermined; in internal agency review.</u>

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
190-053	Toxic Chemical Release Reporting - Ammonium Sulfate 40 CFR 372	NPRM 55 FR 12144 3/30/90 NOA 55 FR 12148 3/30/90	In response to a petition, EPA proposes to delete ammonium sulfate (solution) from the list of toxic chemicals under Sect. 313 of SARA because releases of ammonium sulfate (solution) can be more effectively covered by the ammonia listing. EPA is clarifying the ammonia listing so that it encompasses other sources of aqueous ammonia.	Final rule undetermined.
190-056	Extremely Hazardous Substance List - Explosivity Criteria 40 CFR 355	ANPRM; NOA 55 FR 35012 8/27/90 Planned NPRM 55 FR 45202 10/29/90	EPA is considering proposing that chemicals displaying certain flammability and explosivity criteria be added to the list of extremely hazardous substances under Title III of SARA. The Agency announces the availability of technical background documents on the potential criteria for listing explosives and flammables.	NPRM undetermined.
*190-057	Mandatory Pollution Prevention Reporting in TRI Reports 40 CFR 372	Planned NPRM 55 FR 45203 10/29/90	EPA plans to expand and make mandatory the reporting of waste minimization/pollution prevention actions in connection with Toxic Release Inventory (TRI) reports. Alternative data collection under consideration include facility-wide reporting for individual chemicals, reporting for individual pollution prevention projects, and coordinating TRI and biennial reports under RCRA.	<u>NPRM on hold pending budget review.</u>

## SAFE DRINKING WATER ACT

## Drinking Water Chemicals Proposed Test Rule -- RU# 920-123

*880-007	Primary Drinking Water Regulations - Radionuclides (Phase IV) 40 CFR 141	ANPRM for MCLGs 48 FR 45502 10/5/83 ANPRM for MCLs 51 FR 34836 9/30/86 Planned NPRM 55 FR 45167 10/29/90	EPA is considering MCLGs and MCLs for radionuclides of radium, uranium, radon, gross alpha, gross beta, and photon emitters in drinking water.	<u>NPRM 8/91. Final rule 12/92.</u>
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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*880-014	Drinking Water Priority List - Potential Contaminants	Notice 56 FR 1470 1/14/91	EPA publishes a revised version of potential contaminants of drinking water. The list is comprised of 50 substances carried over from the 1988 DWPL and 27 new substances.	<u>Effective immediately.</u>
*880-015	PWS Supervision Program - Administrative Enforcement 40 CFR 142 40 CFR 22	NPRM 54 FR 29516 7/12/89 Final rule 56 FR 3752 1/30/91	EPA establishes procedures for administrative compliance orders under Sect. 1414(g) of the SDWA. Orders issued under Sect. 1414(g) may not take effect without notice and opportunity for public hearing; also, opportunity must be provided for primary states to confer with EPA. The Agency also amends 40 CFR Part 22 to include PWSS penalty assessments.	<u>Effective 3/1/91.</u>
880-027	Amendments to the UIC Program 40 CFR 144 40 CFR 146	NPRM 55 FR 26462 6/28/90 Regulatory Agenda 55 FR 45170 10/29/90	EPA proposes amendments to the UIC noncompliance and program reporting requirements and to the mechanical integrity requirements. EPA also clarifies how existing injection wells become authorized by rule and when injection is prohibited for failure to comply with authorization-by-rule requirements. Finally, EPA codifies SDWA Sect. 1445(a)(1) as it applies to the UIC program.	Final rule 4/91.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*880-029	NPDWR - Total Coliforms (Phase III) 40 CFR 141 40 CFR 142	NPRM 52 FR 42224 11/3/87 Final rule 54 FR 27544 6/29/89 Corrections; technical amendments 55 FR 25064 6/19/90 Partial stay of final rule 56 FR 1556 1/15/91  NPRM 55 FR 22752 6/1/90 Final rule 56 FR 636 1/8/91	EPA amends the current NPDWR, including the maximum contaminant level (MCL), monitoring requirements, and analytical requirements, for total coliform bacteria including fecal coliforms and <u>Escherichia coli</u> . This rule applies to all public water systems. EPA also sets a maximum contaminant goal (MCLG) of zero for total coliforms.  EPA issues a partial stay of certain provisions of the revised NPDWRs for total coliforms in order to allow states to grant variances to the total coliform MCL under certain conditions.  In order to determine compliance with the MCL, EPA amends the NPDWR for total coliforms by providing three methods for the detection of <u>Escherichia coli</u> .	Final rule of 6/29/89 effective 12/31/90. Technical amendment and corrections effective 12/31/90.  <u>Effective 1/15/91.</u>  <u>Effective 1/8/91.</u>
880-030	Wellhead Protection and Sole Source Aquifer Demonstration Programs - Indian Tribes 40 CFR 35	NPRM 52 FR 46712 12/9/87 Regulatory Agenda 55 FR 45169 10/29/90	EPA proposes procedures for determining eligibility of Indian Tribes to apply for treatment as states in receiving grants for wellhead protection and/or sole source aquifer demonstration programs.	Final rule 9/91.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
880-034	NPDWRs Lead & Copper 40 CFR 141 40 CFR 142	NPRM 53 FR 31516 8/18/88 Corrections 53 FR 35952 9/15/88 Correction 53 FR 36696 9/21/88 NOA 53 FR 40270 10/14/88 NOA 55 FR 42409 10/19/90 Regulatory Agenda 55 FR 45170 10/29/90	EPA proposes MCLGs and NPDWRs for controlling lead and copper in drinking water. EPA is proposing a MCLG of zero for lead and 1.3 mg/l for copper and MCLs of 0.005 mg/l for lead and 1.3 mg/l for copper. EPA announces the availability of the final policy guidance for EPA Regional Administrators to use to oversee state implementation and enforcement of the lead prohibition and lead public notice provisions of the Act.	Final rule 4/91.
880-037	NPDWRs Implementation Primary Enforcement Responsibility 40 CFR 142	NPRM 55 FR 49398 11/28/90	EPA is reconsidering the language of 40 CFR 142.17(a)(2) which concerns EPA's initiation of proceedings that could lead to withdrawal of state primary enforcement responsibility for the public water system program under the SDWA.	Final rule undetermined.
880-045	State-Administered UIC Programs - Incorporation by Reference Update 40 CFR 147	Planned final rule 55 FR 45171 10/29/90	EPA will propose to amend the 40 CFR 147 incorporation by reference material to incorporate the most recent state statutes and regulations. EPA will not issue an NPRM first because there is no impact on the economy, costs, or prices; no public health or intermedia issues; and no adverse consequences on the public.	Final rule 2/91.
880-046	NPDWRs - Arsenic 40 CFR 141	Planned NPRM 55 FR 45167 10/29/90	The current standard for arsenic in drinking water is an interim standard. This rule will set a final MCL and MCLG as required by the SDWA Amendments of 1986. EPA has been sued on the schedule for proposal and promulgation of the arsenic NPDWRs. The final schedule is dependent on settlement of the suit.	Decision on rulemaking schedule 6/91. Probably no rulemaking action until 1995-1998.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
880-047	Drinking Water Laboratory Certification Regulations 40 CFR 141 40 CFR 142	Planned NPRM 55 FR 45168 10/29/90	EPA will propose and promulgate national regulations for certification of laboratories which analyze compliance samples under the SDWA. These regulations will establish the "National Quality Assurance Program for Lab Certification," described in 40 CFR 142(b)(2)-(3).	NPRM undetermined. No scheduled action as yet.
880-049	Management of Class V Injection Wells Under Part C 40 CFR 144 40 CFR 145 40 CFR 146	Planned NPRM 55 FR 45169 10/29/90	EPA will establish a regulatory framework for the management of Class V wells, such as certain septic systems and a variety of drainage wells, that will protect against contamination of groundwater while recognizing the difficulties of this diverse well class.	NPRM 9/91.
<b>880-050</b>	NPDWRs - Contaminants From First Drinking Water Priority List 40 CFR 141	Planned NPRM 55 FR 45168 10/29/90	EPA will set MCLGs and NPDWRs for about 25 contaminants from the first drinking water priority list, as required by the SDWA Amendments of 1986. The Act requires regulation of at least 25 contaminants every three years starting in 1991.	NPRM 6/92. Final rule 12/93.
<b>*880-053</b>	Revision of VOC Analytical Methods 40 CFR 141	Planned NPRM 55 FR 45168 10/29/90	EPA will propose to replace the 1986 versions of methods 502.1, 502.2, 503.1, 504, 524.1, and 524.2 for monitoring of eight regulated VOCs and 51 unregulated VOCs with the December 1988 version of the same methods and allow the use of these same updated methods for compliance monitoring of trihalomethanes in drinking water.	<u>NPRM 4/91. Final rule 4/92.</u>

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
CLEAN WATER ACT				
Confidentiality of Business Information -- RU# 190-045				
140-035	Disposal of Sewage Sludge 40 CFR 257 40 CFR 503	NPRM 54 FR 5746 2/6/89 NOA 54 FR 43124 10/20/89 Regulatory Agenda 55 FR 45164 10/29/90 NOA 55 FR 47210 11/9/90	EPA proposes technical requirements for the final use and disposal of sewage sludge when landfarmed, sold, monofilled, surface disposed, or incinerated. Related computer programs and background documents are listed. The standards will be expanded and revised as information becomes available.	Final rule 1/92.
140-039	NPDES Permit - Compliance Extension for Innovative Technologies 40 CFR 122 40 CFR 124 40 CFR 125	NPRM 50 FR 49904 12/5/85	EPA proposes a revised rule for dischargers of toxic and nonconventional pollutants who apply for NPDES extensions to install innovative technologies under Sect. 301(k) of the Clean Water Act.	Reproposed NPRM 4/91.
140-041	Disposal Sites - Denial or Restriction 40 CFR 231	Planned NPRM 55 FR 45162 10/29/90	EPA will revise 404(c) regulations by establishing procedures to be invoked when they are considering the use of 404(c) to prevent the discharge of dredged or fill material into a defined area of U.S. waters. The revisions are based on a review of previous experience.	NPRM 1/92. Final rule 1/93.
140-066	Water Quality Standards for Toxic Pollutants 40 CFR 131	Planned NPRM 55 FR 45158 10/29/90	EPA will establish, on a national basis, numeric water quality criteria for toxic pollutants that will become part of the water quality standards of states that have failed to comply with Sect. 303(c)(2)(B) of the CWA, thus bringing those standards into compliance with the CWA as amended.	NPRM 6/91.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
140-067	Revisions to the NPDES Regulations 40 CFR 122 40 CFR 123 40 CFR 124 40 CFR 125 40 CFR 403 40 CFR 434	Planned NPRM 55 FR 45162 10/29/90	EPA will propose revisions to the NPDES regulations to clarify existing requirements and policies.	NPRM 3/91. Final rule 3/92.
140-076	Water Quality Standards - Indian Tribes 40 CFR 131	Interim final rule 54 FR 14354 4/11/89 NPRM 54 FR 39098 9/22/89 Notice 55 FR 3643 2/2/90 Regulatory Agenda 55 FR 45163 10/29/90	EPA proposes criteria and procedures by which an Indian Tribe can qualify for treatment as a state for purposes of standards and certification programs and mechanisms to resolve unreasonable consequences that may arise from an Indian Tribe and a state adopting differing water quality standards on common bodies of water.	Interim final rule effective 4/11/89. Final rule 3/91.

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*140-077	NPDES - Surface Water Toxics Control Program 40 CFR 122 40 CFR 123 40 CFR 130	NPRM 54 FR 1300 1/12/89 Final rule 54 FR 23868 6/2/89  NOA 55 FR 19662 5/10/90	EPA amends the NPDES surface water toxics control program by incorporating Sect. 308(a) of the WQA into it and repromulgates and supplements the interpretive final rule of 1/4/89 (54 FR 246) dealing with NPDES permit regulations. Section 308(a) of the WQA added Sect. 304(l) to the CWA. Section 304(l) requires the states to identify those waters that are adversely affected by toxic, conventional, and nonconventional pollutants, and requires the state to prepare individual control strategies that will control point source discharges of toxic pollutants. EPA will issue state listing requirements at a later date for Sect. 303(d) waters. EPA issues a draft technical support document for water quality-based toxics control intended as revised guidance to implement the previously issued policy of 3/84 and regulation of 6/2/89 on the subject.	Final rule effective 9/26/89. Supplemental final rule on hold. No schedule as yet.  <u>Final guidance document 2/91.</u>
*140-084	NPDES Permit Application - Form 2C, Standard Form A, Short Form A 40 CFR 122.21(j)	Planned NPRM 55 FR 45162 10/29/90	EPA will revise the current NPDES Permit Application Form 2C (industrial), Standard Form A (municipal), and Short Form A (municipal) to reflect amendments to the Clean Water Act and changes in program requirements and emphasis.	<u>NPRM 2/91. Final rule 2/92.</u>
140-089	Biological Test Procedures for the Analysis of Pollutants 40 CFR 136	NPRM 54 FR 50216 12/4/89	EPA proposes to amend 40 CFR 136 by adding new biological measurements and test procedures for the analysis of pollutants under the CWA 304(h) and by updating other procedures. Methods would be added to measure toxicity in effluents and receiving waters, to measure mutagenicity, to monitor viruses in wastewaters and sludges, and to update citations to microbiological methods.	Final rule 6/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
140-092	Oil Pollution Prevention 40 CFR 112	Planned NPRM 55 FR 45172 10/29/90	EPA is pursuing a two-phase regulatory approach to propose changes to the oil spill prevention regulation. In Phase I, widely-accepted industry practices that are currently recommended practices in the regulation will be changed to required practices. To facilitate an inventory of facilities, a provision may be added requiring facilities to notify EPA of their existence. The Phase II regulatory effort will address other recommended modifications.	Phase I NPRM 3/91. Final rule 3/92.
140-095	NSPS, Effluent Limitations, and Pretreatment Standards - Organic Chemicals, Plastics, and Synthetic Fibers Point Source Category 40 CFR 300.440 40 CFR 414	NPRM 55 FR 42332 10/18/90	EPA proposes to allow regulatory authorities to: (1) establish cyanide limitations and standards based on best professional judgement for elevated levels of cyanide at the process source of cyanide-bearing waste streams and (2) establish metals limitations and standards to accommodate low background levels of metals in non-"metal-bearing waste streams." EPA also proposes amendments to Appendices A and B to correct listing errors and an amendment to specify the method for determining BOD5 and TSS effluent limitations.	Final rule 8/91.
140-098	Requirements for Citizen Suits Under the CWA 40 CFR 135	NPRM 54 FR 36020 8/30/89 Regulatory Agenda 55 FR 45165 10/29/90	EPA proposes regulations governing the manner in which parties in citizen suits must provide copies of filed complaints and proposed consent decrees under the new provisions of the CWA.	Final rule 4/91.
140-102	Copper and Beryllium Forming Point Source Effluent Guidelines and Standards 40 CFR 468	Planned NPRM 55 FR 45160 10/29/90	EPA will propose to establish guidelines and standards for the newly created subcategory of beryllium and copper alloys.	NPRM 5/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
140-103	NPDES and Sludge Management State Programs - Indian Tribes 40 CFR 122 40 CFR 123 40 CFR 124 40 CFR 501	Planned NPRM 55 FR 45161 10/29/90	EPA will propose to establish requirements and procedures by which an Indian tribe may be treated as a state and be approved to administer the NPDES and/or sludge management program.	NPRM 2/91.
140-104	Treatment of Indian Tribes as States for Purposes of Section 404 40 CFR 230 40 CFR 233	NPRM 54 FR 49180 11/29/89 Regulatory Agenda 55 FR 45164 10/29/90	EPA proposes a rule that would: (1) establish requirements for determining eligibility of Indian Tribes to be treated as states for purposes of Sect. 404 of the CWA, and (2) if found eligible, allow for assumption of the dredge and fill permit program.	Final rule 3/91.
*140-108	Shore Protection Act Section 4103(B) Regulations 40 CFR undetermined	Planned ANPRM 55 FR 45158 10/29/90	The EPA Administrator, in consultation with the Secretary of DOT, is considering regulations: (1) requiring that waste sources, receiving facilities, and vessels provide the means and facilities to assure that waste will not be deposited into coastal waters during handling; (2) requiring the submission and adoption of an operation and maintenance manual of procedures to prevent, report, and clean up waste deposits; and (3) installing of tracking systems if deemed appropriate.	<u>ANPRM undetermined;</u> <u>no action scheduled</u> <u>as yet.</u>
140-109	Effluent Guidelines and Standards for the Waste Treatment Category 40 CFR Subchapter N	Planned NPRM 55 FR 45160 10/29/90	EPA is developing regulations that will cover centralized waste treatment (CWT) facilities that generally treat aqueous and liquid hazardous and non-hazardous waste as Phase I of this regulation. Phase II will regulate hazardous waste incinerators and landfill leachate discharges. EPA plans on collecting Phase II screening information in conjunction with the Phase I technical study.	NPRM 2/94. Final rule 11/95.

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REGULATORY UPDATE TABLE - JANUARY 1991

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*140-110	Secondary Treatment Requirements for Municipal Discharge into Marine Waters 40 CFR 125	NPRM 56 FR 2814 1/24/91	EPA responds to statutory changes made to Sect. 301(h) of the CWA which governs secondary treatment waivers for municipal discharges into marine waters. EPA proposes changes to appendices A and B of Subpart G to simplify and revise the application requirements for waivers and permit renewals.	<u>Comments by 3/25/91. Final rule 12/91.</u>
140-111	CWA Section 404 Program Definition 40 CFR 232.2(q)	Planned NPRM 55 FR 45162 10/29/90	This action would revise the definition of "waters of the U.S." by adding four examples to those currently contained under that definition. The intent is to clarify aspects of the current definition which define waters, "the use, degradation or destruction of which would or could affect interstate or foreign commerce," as waters of the U.S.	NPRM 7/91. Final rule 10/91.

CLEAN AIR ACT

Confidentiality of Business Information -- RU# 190-045

RCRA Air Emission Standards for Volatile Organics at TSD Facilities -- RU# 840-142

120-005	NAAQS - Sulfur Oxides 40 CFR 50 40 CFR 51 40 CFR 58	ANPRM 44 FR 56730 10/2/79 NPRM 53 FR 14926 4/26/88 Notice 53 FR 29346 8/4/88 Clarification notice 53 FR 36587 9/21/88 Regulatory Agenda 55 FR 45196 10/29/90	EPA proposes to retain the existing NAAQS for sulfur oxides. Adding an alternative 1-hour primary standard of 0.4 ppm to replace the 3-hour standard (0.5 ppm) is being considered. EPA also proposes to revise the significant harm levels, the Pollutant Standards Index for SO <sub>2</sub> , and certain monitoring and reporting requirements. EPA incorporates additional material into the dockets for the proposed revisions to the Ambient Air Quality Surveillance requirements.	Final rule action indefinite. Rule under discussion at upper levels.
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REGULATORY UPDATE TABLE - JANUARY 1991

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120-006	NAAQS - Ozone and Photochemical Oxidants 40 CFR 50.9	First revisions 49 FR 29845 7/24/84 NOA 50 FR 52556 12/24/85 NOA 53 FR 48308 11/30/88 Planned review of criteria document 55 FR 45189 10/29/90	EPA announces the availability of the second external review draft of Volumes I and V of the Criteria Document. The Clean Air Scientific Advisory Committee reviewed the revised document and an EPA staff paper in January 1986. The Criteria Document may be used as a basis for review and revision of the NAAQS. EPA is assessing health and welfare information which has become available since the last revision of the standard. In order to retain a unified regulatory review package in light of the emerging data base on health and welfare effects associated with longer-term averaging times, EPA is continuing the standard review until such information is published and reviewed in an addendum to the criteria document. Two draft documents are available.	Complete review of criteria document on hold.
120-008	Stack Height Regulation 40 CFR 51.100	Planned NPRM 55 FR 45193 10/29/90	EPA plans to revise the stack height regulation in accordance with a 1/22/88 U.S. Court of Appeals decision which remanded two grandfathering provisions which allow dispersion credit, including credit for certain stack height increases.	NPRM 10/91.
*120-010	Guideline On Air Quality Models 40 CFR 51.24(l) 40 CFR 52.21(m)	Planned NPRM 55 FR 45192 10/29/90	In response to Sect. 320 of the Clean Air Act, EPA held the Fourth Conference on Air Quality Modeling in October 1988. Based on input provided to the Agency at or closely following this Conference, additional revisions to this rule have been defined and an NPRM is being developed.	<u>NPRM 2/91.</u> Final rule 6/92.
120-055	NESHAPs - Chromium Industrial Cooling Towers 40 CFR 61	NOI to list 50 FR 24317 6/10/85 Planned NPRM 55 FR 45190 10/29/90	Preliminary assessment by EPA of the public health risks of chromium compounds has identified industrial process cooling towers as a source category for which the proposal of national emission standards may be warranted. If further investigation proves standards are warranted, chromium or hexavalent chromium will be listed under Sect. 112 of the Clean Air Act and EPA will propose standards.	NPRM 3/92. Final rule 6/93.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*120-065	Stratospheric Ozone Protection 40 CFR 82	ANPRM 54 FR 15228 4/17/89 Notice 56 FR 2420 1/22/91	EPA publishes initial lists of Class I and Class II ozone-depleting chemicals and assigns each listed chemical numerical values representing the substance's ozone-depletion potential, chlorine and bromine loading potentials, and atmospheric lifetime. Class I includes fully halogenated CFCs, halons, carbon tetrachloride, and methyl chloroform. Class II includes HCFCs.	No NPRM planned.
		ANPRM 55 FR 18256 5/1/90 Planned NPRM 55 FR 45188 10/29/90	EPA invites comments on issues they would need to address in the development of a national recycling program that would encourage or require recycling of ozone depleting compounds. This potential rulemaking is in response to an industry petition from the Alliance for a Responsible CFC Policy to develop such a program.	NPRM 4/91, final rule 9/91.
		Planned NPRM 55 FR 45188 10/29/90 Section 114 information request 55 FR 49116 11/26/90	The international community has begun negotiations on whether to strengthen the Montreal Protocol, and President Bush has called for a complete phase-out of CFCs provided safe substitutes become available. EPA has entered into a consent agreement to determine whether additional regulations are necessary to protect the stratospheric ozone layer.	<u>Temporary final rule 2/91.</u> No NPRM planned.
120-075	Source Surveillance of Visible Emissions 40 CFR 52	NPRM 51 FR 31076 8/29/86	EPA proposes new visible emission test procedures to evaluate opacity standards compliance when a SIP lacks an appropriate method or when the Administrator enacts a state plan.	Reproposed NPRM Summer 1991.
120-083	NAAQS - Nitrogen Dioxide 40 CFR 50.11	Planned review of criteria document 55 FR 45186 10/29/90	EPA will not expedite the review schedule for the primary and secondary NO2 NAAQS, but will proceed on the normal review cycle to produce a revised criteria document. Completed research does not justify a separate short-term primary standard.	Complete review of criteria document and staff paper 6/92.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
120-084	NAAQS - Carbon Monoxide	Call for Information 52 FR 27580 7/22/87 NOA 55 FR 14858 4/19/90 Regulatory Agenda 55 FR 45186 10/29/90	EPA will review ongoing studies on health effects of carbon monoxide and make a decision for or against a change in the NAAQS.	Final criteria document 2/91.
*120-085	NESHAPs - Asbestos (Compliance) 40 CFR 61	NPRM 54 FR 912 1/10/89 Final rule 55 FR 48406 11/20/90 Correction 56 FR 1669 1/16/91	EPA amends the NESHAPs for asbestos to enhance enforcement and improve compliance by (1) permitting the use of percent by area as an expression for the asbestos content of bulk materials, (2) adding monitoring and recordkeeping provisions, (3) revising notification requirements, and (4) adding recordkeeping and reporting provisions for waste disposal.	Effective 11/20/90.
120-093	NESHAPs - Hazardous Organics 40 CFR 61	Planned NPRM 55 FR 45191 10/29/90	This regulation will control emissions in production categories and some use categories for butadiene, ethylene oxide, ethylene dichloride, chloroform, carbon tetrachloride, perchloroethylene, trichloroethylene, and methylene chloride. Installation of combustion devices and an inspection and monitoring program will be required.	NPRM 8/91. Final rule 8/92.
120-094	Health Assessment Document - Acetaldehyde	NOA draft 52 FR 19918 5/28/87	EPA issues the first external review draft of the health assessment document for acetaldehyde. The document will be used in the decision process for possible regulation of acetaldehyde under the CAA.	Final document 3/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
120-095	NAAQS - Fine Particulate Matter 40 CFR 50 40 CFR 50.7	ANPRM 52 FR 24670 7/1/87 Planned NPRM 55 FR 45189 10/29/90	EPA will propose a new secondary NAAQS for fine particles (those less than 2.5 micrometers in aerodynamic diameter) in order to enhance visibility.	NPRM undetermined; no date set as yet.
120-098	Health Assessment Documents - Trichloroethylene and Dichloromethane	NOA draft 52 FR 27257 7/20/87	EPA announces the availability of external review drafts of addenda to the health assessment documents for trichloroethylene and dichloromethane (methyl chloride), and a technical analysis of new methods and data on dichloromethane hazard assessments.	Documents still in draft form. Finalization indefinite.
*120-103	NESHAPs - Organic Solvent Cleaning 40 CFR 61	Planned NPRM 55 FR 45191 10/29/90	This regulation will apply to organic solvent cleaners (degreasers) and will control emissions of perchloroethylene, methylene chloride, and trichloroethylene from new and existing sources.	NPRM 2/92. <u>Final rule 7/93.</u>
120-106	PSD Set II for PM10 40 CFR 51 40 CFR 52 40 CFR 81	NPRM 54 FR 41218 10/5/89 Regulatory Agenda 55 FR 45199 10/29/90	EPA proposes to revise the maximum allowable increases (increments) for particulate matter under the requirements for prevention of significant deterioration (PSD). The proposed increments would define maximum allowable increases in concentrations of PM <sub>10</sub> as follows: 4 µg/m <sup>3</sup> (annual arithmetic mean) and 8 µg/m <sup>3</sup> (24-hour maximum) for Class I areas; 17 µg/m <sup>3</sup> (annual arithmetic mean) and 30 µg/m <sup>3</sup> (24-hour maximum) for Class II areas; and 34 µg/m <sup>3</sup> (annual arithmetic mean) and 60 µg/m <sup>3</sup> (24-hour maximum) for Class III areas.	Reproposed NPRM 7/91.

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120-107	SIPs - Ozone and Carbon Monoxide 40 CFR 52 40 CFR 81	NPRM 53 FR 20722 6/6/88 Notice 53 FR 34500 9/7/88 Notice 55 FR 30973 7/30/90 Regulatory Agenda 55 FR 45196 10/29/90	EPA is developing a program to address the fact that many areas in the country have not attained the national ambient air quality standards for ozone and carbon monoxide by the 12/31/87 deadline identified in the CAA. The program will describe how EPA will interpret the CAA so as to bring those areas into attainment, and the steps EPA will take to implement that interpretation.	Final rule undetermined.
120-113	Methods for Measurement of Condensable Particulate Emissions 40 CFR 51	NPRM 55 FR 41546 10/12/90	EPA proposes to add a CAA method for states (SIPs) to measure condensable particulate matter (CPM) emissions from stationary sources.	Final rule undetermined.
120-115	NSPS - Municipal Waste Combustors 40 CFR 51 40 CFR 52 40 CFR 60	NPRM 54 FR 52251 12/20/89 Supplemental information 55 FR 40879 10/5/90 Regulatory Agenda 55 FR 45197 10/29/90	EPA proposes to add Subpart Ea to 40 CFR 60. Subpart Ea would limit emissions of organics, metals, and acid gases from new, modified, and reconstructed municipal waste combustors (MWCs). EPA also proposes various operating and operator training requirements, as well as material separation provisions, limiting new and existing MWCs to firing "processed waste."	Final rule 2/91.
*120-116	NSPS - Municipal Landfills 40 CFR 60	Planned NPRM 55 FR 45190 10/29/90	This rule will regulate emissions from new and modified municipal landfills under Sect. 111(b). Pollutants to be regulated will include one or more designated pollutants (pollutants not regulated under Sects. 108-110 or 112 of the Act.)	<u>NPRM 3/91. Final rule 3/92.</u>

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
120-118	NESHAPs - Radionuclides 40 CFR 61	NPRM 54 FR 9612 3/7/89 Final rule; notice of reconsideration 54 FR 51654 12/15/89 Corrections 55 FR 78 1/2/90 Notice of stay 55 FR 10455 3/21/90 Notice of reconsideration; compliance waiver 55 FR 13480 4/10/90 NPRM 55 FR 13482 4/10/90 Stay extended 55 FR 40834 10/5/90	EPA sets NESHAPs for radionuclide emissions from several source categories including DOE facilities, NRC licensees, uranium fuel cycle facilities, elemental phosphorus plants, coal-fired boilers, high-level nuclear waste disposal facilities, phosphogypsum stacks, underground and surface uranium mines, and uranium mill tailings operations. EPA also grants a reconsideration of Subpart I concerning emissions from facilities licensed by NRC with respect to the issues of duplicative regulation and possible effects on medical treatment.  EPA announces a limited reconsideration of Subpart R concerning radon emissions from phosphogypsum stacks that requires disposal of phosphogypsum in stacks or mines. EPA proposes to maintain or modify the rule to, alternatively or in combination, (1) make no change to Subpart R, (2) establish a threshold concentration level of radium, (3) allow the use of discrete quantities of phosphogypsum for researching and developing processes to remove radium from phosphogypsum, or (4) allow other alternative use of phosphogypsum. EPA also grants a limited compliance waiver that permits the continued agricultural use of phosphogypsum through the current growing season.	Final rule of 12/15/89 effective immediately. Subpart I stayed until 3/10/91.  Compliance waiver extended to 6/1/91. Final rule undetermined.
120-148	NAAQS - Lead 40 CFR 50.12	Planned NPRM 55 FR 45188 10/29/90	EPA is assessing new health effects information that has become available regarding lead and will make a decision for or against a change in the NAAQS. EPA has prepared a staff paper which has been reviewed and approved by the Clean Air Act Scientific Advisory Committee (CASAC).	NPRM 10/91.
*120-149	NESHAPs - Asbestos (Risk Reduction) 40 CFR 61	Planned NPRM 55 FR 45190 10/29/90	EPA is considering revising the asbestos NESHAP to further reduce the risks to health.	<u>NPRM 9/91. Final rule 12/92.</u>

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120-155	VOC Equipment Leak Fugitive Emissions	Notice 54 FR 37725 9/12/89 Notice 55 FR 14349 4/17/90 Notice 55 FR 27680 7/5/90	EPA gives notice of the establishment of an advisory committee to negotiate a rule to control fugitive emissions of toxic volatile organic compounds (VOCs) from chemical equipment leaks.	NPRM Fall 1991.
120-158	NSPS - Medical Waste Incineration 40 CFR 60	Planned NPRM 55 FR 45190 10/29/90	The incineration of medical waste is being investigated for control under Sect. 111. Add-on controls and operator training requirements are being investigated.	NPRM 3/92. Final rule 9/93.
120-160	Standards of Performance for New Stationary Sources - Appendix A 40 CFR 60	NPRM 54 FR 52190 12/20/89	EPA proposes to add Method 23, "Determination of Polychlorinated Dibenzo-p-Dioxins (PCDDs) and Dibenzofurans (PCDFs) from Stationary Sources," and Method 26, "Determination of Hydrogen Chloride Emissions from Stationary Sources," to Appendix A of 40 CFR 60.	Final rule 2/91.
*120-161	Emission Guidelines for Existing Municipal Waste Combustors 40 CFR 60	Proposed guidelines 54 FR 52209 12/20/89	EPA proposes emission guidelines and compliance schedules for use by states in developing state regulations to control emissions from existing municipal waste combustors (MWCs).	<u>Final guidelines 4/91.</u>
120-162	NSPS - Revision of Appendix F, Addition to Appendix B 40 CFR 60	NPRM 54 FR 52207 12/20/89	EPA proposes (1) to revise Procedure 1 of Appendix F to make it applicable without further revision for all regulated pollutants, and (2) to add Performance Specification 4A to Appendix B.	Final rule 2/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
120-166	List of Source Categories for Hazardous Air Pollutants 40 CFR 61	Planned NPRM 55 FR 45186 10/29/90	This regulation is to address an anticipated requirement that the EPA publish a list of source categories of hazardous air pollutants. A schedule and any issues associated with work will be defined after the Clean Air Act amendments are enacted.	Decision on rulemaking action due by 11/91.
120-167	Exemptions from Standards for Hazardous Air Pollutants Due to Early, Voluntary Emission Reduction 40 CFR 63	Planned NPRM 55 FR 45186 10/29/90	A regulation is being developed to address an anticipated requirement in amendments to the Clean Air Act to allow exemptions from Sect. 112 standards for qualifying voluntary reductions of hazardous air pollutants. The regulation would specify the necessary components of an exemption request and give guidelines for its evaluation.	No formal rulemaking action planned. Guidance document to be issued 4/91.
120-168	List of Hazardous Air Pollutants - Petitions for Addition/Deletion 40 CFR 61	Planned NPRM 55 FR 45187 10/29/90	A regulation is being developed to address an anticipated requirement in amendments to the Clean Air Act that EPA provide a petition process for the addition of chemicals to or deletion from the list of 191 hazardous air pollutants. This regulation would describe the criteria that must be met in submitting the petition.	Interim guidance document 2/91.
<b>NUCLEAR WASTE POLICY ACT</b>				
700-022	HLW Disposal in Geologic Repositories - EPA and NRC Conforming Amendments 10 CFR 60	NPRM 51 FR 22288 6/19/86 Regulatory Agenda 55 FR 45483 10/29/90	NRC proposes to conform its regulations for disposal of high-level radioactive wastes in geologic repositories to EPA standards of September 19, 1985, as mandated by the NWPA.	On hold indefinitely. Awaiting EPA comments and action.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*700-066	Rules of Practice for HLW License Proceedings 10 CFR 2	NPRM 54 FR 39387 9/26/89 Corrections 54 FR 40780 10/3/89 Regulatory Agenda 55 FR 45501 10/29/90	NRC proposes to amend its Rules of Practice for the licensing proceeding on the disposal of high-level radioactive waste at a geologic repository. The proposed rule would establish a new standard for the admission of initial contentions, would define "late contentions" as any contention proposed after the initial contentions were submitted, would require parties to present direct testimony on contentions, would establish a compulsory hearing schedule, and would eliminate sua sponte review by the Commission's adjudicatory boards.	<u>Final rule 3/91.</u>
700-068	NWPA Payment-Equal-To-Taxes (PETT) Provisions	Proposed notice of interpretation and procedures 55 FR 8180 3/7/90 Regulatory Agenda 55 FR 44411 10/29/90	The DOE Office of Civilian Radioactive Waste Management proposes its interpretation and procedures for certain payments-equal-to-taxes (PETT) provisions of the Nuclear Waste Policy Act. DOE will make these payments to eligible states, units of local government, and Indian tribes for activities related to siting, development, and operation of a high-level radioactive waste and spent-fuel repository and any MRS facility.	Final action 6/91.
700-069	Radiation Dose Criteria for Accidents at HLW Geologic Repositories (Repository Operations Criteria) 10 CFR 60	Notice of receipt 55 FR 28771 7/13/90 Correction 55 FR 32639 8/10/90 Planned NPRM 55 FR 45492 10/29/90	NRC will propose to amend the regulations concerning radiation dose criteria. A central issue is the development of radiation dose criteria for a postulated accident that DOE would use to establish a limited access area for the high-level waste (HLW) geologic repository. In addition, a number of new definitions would be added.	NPRM undetermined; no schedule yet.
700-074	Definition of Term - High-Level Radioactive Waste 10 CFR 60	Petition for rulemaking 55 FR 51732 12/17/90	The states of Washington and Oregon request that NRC revise the definition of "high-level radioactive waste" so as to establish a framework and standards by which to determine whether reprocessing waste, e.g., certain waste stored at DOE's Hanford site, is high-level radioactive waste.	Comments by 3/18/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
<b>LOW-LEVEL RADIOACTIVE WASTE (LLW) POLICY AMENDMENTS ACT</b>				
740-003	Environmental Protection Standards for LLW Disposal 40 CFR 193 40 CFR 764	ANPRM 48 FR 39563 8/31/83 Planned NPRM 55 FR 45166 10/29/90	EPA intends to develop environmental radiation protection standards and/or guides for low-level radioactive (possibly including natural and accelerator produced) waste disposal to protect the public health and general environment from potential adverse effects from this activity. Criteria triggering regulations are being considered.	NPRM 9/91. Final rule 12/92.
740-004	LLW Below Regulatory Concern 10 CFR 2 10 CFR 20	ANPRM 51 FR 43367 12/2/86 Policy statement 55 FR 27522 7/3/90 Regulatory Agenda 55 FR 45485 10/29/90	NRC may amend its regulations to address radioactive waste disposal when low radionuclide quantities do not merit regulation as radioactive material. A generic rulemaking is favored over current petitions for exemption of specific wastestreams. NRC issues its policy statement on exemptions from regulatory control for small quantities of radioactive material. The statement defines the dose criteria and other considerations that will be used by NRC in making exemption decisions. Individual dose criteria of 1 and 10 mrem per year and a collective dose criterion are established.	Policy statement effective 7/3/90. NPRM on hold indefinitely, may be withdrawn.
740-013	Incineration of Low-Level Radioactively Contaminated Waste Oil from Nuclear Power Plants 10 CFR 20	NPRM 53 FR 32914 8/29/88 Request for clarification 53 FR 48721 12/2/88 Regulatory Agenda 55 FR 45499 10/29/90	NRC proposes to amend its regulations to permit the onsite incineration of slightly contaminated waste oils generated at licensed nuclear power plants. EPA requests of NRC clarification of two issues: (1) the responsibility of NRC's licensees complying with the approval requirements of the Clean Air Act, and (2) the potential need for licensees obtaining state or federal hazardous waste permits.	Final rule 4/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
740-019	Unregulated Disposal of Small Amounts of Radioactive Isotopes 10 CFR 20	Petition for rulemaking 53 FR 41342 10/21/88 Correction 53 FR 44014 11/1/88	Rockefeller University requests that NRC amend its regulations under which a licensee may dispose of animal tissue containing small amounts of radioactivity without regard to its radioactivity. The petition requests that the list of radioactive isotopes for which unregulated disposal is permitted be expanded to include sulfur-35, calcium-45, chromium-51, iodine-125, and iodine-131 in concentrations less than 0.001 microcurie/gm.	Petition resolution 9/91.
*740-021	Low-Level Waste Manifest Information and Reporting 10 CFR 20 10 CFR 61	Planned NPRM 55 FR 45489 10/29/90	NRC will propose to: (1) augment and improve information contained in manifests accompanying shipments of waste to LLW disposal facilities; (2) require that operators of these disposal facilities store portions of this manifest information in onsite computer recordkeeping systems; and (3) require that operators periodically submit, in an electronic format, reports of shipment manifest information.	<u>NPRM 10/91. Final rule 10/92.</u>
<b>ATOMIC ENERGY ACT</b>				
Transportation Regulations - Compatibility with IAEA -- RU# 400-093				
100-016	Protection Requirements for Spent Fuel Shipments	NPRM 49 FR 23867 6/8/84	The rule modifies the present interim requirements for protection of shipments of irradiated reactor fuel cooled for 150 days or more. Present interim requirements will remain for fuel cooled less than 150 days.	Final rule postponed indefinitely.
100-018	Residual Radioactive Materials Cleanup - Radiation Protection Criteria 40 CFR 194	ANPRM 51 FR 22264 6/18/86 Planned NPRM 55 FR 45166 10/29/90	EPA is developing public health and environmental radiation protection criteria for cleanup of residual radioactivity at decommissioned sites. Licensees of the NRC or Agreement States; sites owned or used by DOE, DOD, the former AEC, and the former Manhattan Engineering District; and sites where natural and accelerator-produced radioactive materials have been used would be affected.	NPRM 6/91. Final rule 10/92.

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100-020	Definition of Safety Related and Important to Safety 10 CFR 50	Planned NPRM 55 FR 45483 10/29/90	NRC proposes to clarify its regulations on the use of the terms "important to safety" and "safety related" by adding definitions of these two terms and of "facility licensing documents" to 10 CFR 50 and by discussing how these definitions will be applied in licensing reviews.	On hold indefinitely, will probably be withdrawn.
100-021	Exposure Limits for Transuranics	NPRM 42 FR 60956 11/30/77 Regulatory Agenda 55 FR 45166 10/29/90	EPA proposes interim guidance to federal agencies to limit radiation doses to the general population from transuranic elements present in the environment.	Federal agencies have provided comments to EPA. Still awaiting EPA action.
*100-033	Explanation to Table S-3, Uranium Fuel Cycle Environmental Data 10 CFR 51	NPRM 46 FR 15154 3/4/81 Regulatory Agenda 55 FR 45481 10/29/90	NRC proposes a narrative explanation of the numerical values of Table S-3, "Table of Uranium Fuel Cycle Environmental Data," which appears in the NRC environmental protection regulations. Values for radon-222 and technetium-99 will be added.	<u>Final rule 5/91.</u>
100-039	Residual Radioactive Contamination Limits for Decommissioning NRC Licensed Facilities 10 CFR 20	NOA 55 FR 6137 2/21/90 Planned NPRM 55 FR 45495 10/29/90	NRC issues a draft report, NUREG/CR-5512, entitled "Residual Radioactive Contamination From Decommissioning: Technical Basis for Translating Contamination Levels to Annual Dose." NRC will establish residual radioactive contamination limits that must be met before buildings, structures, equipment, materials, and land may be released and the license terminated.	Interim criteria to be issued 8/91. NPRM 6/92. Final rule 6/93.

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*100-041	Revisions to the Standards for Protection Against Radiation 10 CFR 20	ANPRM 45 FR 18023 3/20/80 NPRM 51 FR 1092 1/9/86 Notice 55 FR 18689 5/3/90 Regulatory Agenda 55 FR 45497 10/29/90	NRC proposes revision of requirements for protection of individuals exposed within and outside the workplace to ionizing radiation from normal operations licensed by the NRC. The revision will reflect current data on health risks, dosimetry, and radiation protection practices.	<u>Final rule 2/91.</u>
100-053	Criteria for Extraordinary Nuclear Occurrence 10 CFR 140	NPRM 50 FR 13978 4/9/85 Regulatory Agenda 55 FR 45482 10/29/90	NRC is considering revising the criteria for an "extraordinary nuclear occurrence." The changes are designed to avoid the problems encountered by the NRC in applying existing criteria to Three Mile Island.	Final rule 2/91.
100-111	Agreement State Radiation Control Programs	Policy statement 52 FR 21132 6/4/87 Proposed policy revision 55 FR 10851 3/23/90	NRC proposes to revise its general statement of policy, "Guidelines for NRC Review of Agreement State Radiation Control Programs," to incorporate changes to the regulation of LLW disposal in permanent facilities.	Final revision 2/91.

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100-129	Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, HLW, and TRU Radioactive Wastes 40 CFR 191	Planned NPRM 55 FR 45166 10/29/90	EPA will promulgate generally applicable environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive wastes to establish limits for the release of radioactive materials to the environment.	NPRM 3/91. Final rule 6/92.
100-131	Integrated Schedules for Implementation of Plant Modifications 10 CFR 50	Proposed policy statement 52 FR 45344 11/27/87	NRC issues a proposed policy statement that describes the policy the Commission intends to use to promote voluntary licensee integrated schedules for implementing regulatory requirements and other improvements in nuclear power plants.	Final policy statement placed on hold indefinitely. Reevaluation 6/91.
100-157	Transportation Regulations - Compatibility with IAEA 10 CFR 71	NPRM 53 FR 21550 6/8/88 Corrections 53 FR 23484 6/22/88 Regulatory Agenda 55 FR 45485 10/29/90	NRC proposes to revise its regulations for transportation of radioactive material to make them compatible with those of the IAEA. The basic standards for packaging will remain unchanged, and the transport of low-specific-activity radioactive material is considered. NRC also proposes to include the criteria for approval of packages for air transport of plutonium in 10 CFR 71 (see comparable DOT regulation RU# 400-093).	Final rule 4/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
100-174	Nuclear Plant License Renewal 10 CFR 2 10 CFR 50 10 CFR 54	ANPRM 53 FR 32919 8/29/88 ANPRM 54 FR 41980 10/13/89 NOA 55 FR 29122 7/17/90 NPRM 55 FR 29043 7/17/90 Regulatory Agenda 55 FR 45487 10/29/90	NRC proposes to establish the requirements that an applicant for renewal of a nuclear power plant operating license must meet, the information that must be submitted to the NRC for review so NRC can determine whether those requirements have in fact been met, and the application procedures.	Final rule 6/91.
100-179	Fitness-For-Duty Programs for Category I Fuel Facilities and Shipments 10 CFR 26	Planned NPRM 55 FR 45496 10/29/90	NRC will propose to amend the Commission's fitness-for-duty regulations to include Category I fuel facilities and Category I shipments.	NPRM 7/91. Final rule 6/92.
100-186	Notification of Incidents 10 CFR 20 10 CFR 30 10 CFR 40 10 CFR 70	NPRM 55 FR 19890 5/14/90 Regulatory Agenda 55 FR 45500 10/29/90	NRC proposes to revise licensee reporting requirements for notifications of incidents related to radiation safety to ensure that significant occurrences at material licensee facilities are promptly reported to NRC.	Final rule 3/91.
100-187	Licenses and Radiation Safety Requirements for Large Irradiators 10 CFR 36	NPRM 55 FR 50008 12/4/90	NRC proposes to establish a new part 36 to specify radiation safety requirements and licensing requirements for the use of licensed radioactive materials in large irradiators.	Comments by 3/4/91. Final rule 12/91.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
100-188	Criteria and Procedures for Reporting of Defects 10 CFR 21 10 CFR 50	NPRM 53 FR 44594 11/4/88 Regulatory Agenda 55 FR 45482 10/29/90	NRC proposes to amend its regulations on the reporting of safety defects. The amendments would apply to licensees and non-licensees who construct facilities for or supply components to licensed activities. The amendments would eliminate duplicative reporting of defects, clarify the criteria for reporting defects, and establish uniform time periods for reporting and uniform requirements for the content of the reports.	Final rule being reworked; may be done by 3/91.
100-189	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material 10 CFR 710	NPRM 54 FR 5376 2/2/89 Regulatory Agenda 55 FR 44408 10/29/90	DOE proposes a rule dealing with criteria and procedures determining eligibility for access to classified matter or significant quantities of special nuclear material. This action would establish a Q(R) access authorization for individuals applying for or currently holding a position identified as a Personnel Security Assurance Program (PSAP) position.	Final rule 3/91.
100-194	Maintenance Programs for Nuclear Power Plants 10 CFR 2 10 CFR 50	NPRM 53 FR 47822 11/28/88 NOA 54 FR 33988 8/17/89 Policy statement: modification 54 FR 50610 12/8/89 Revised policy statement 54 FR 50611 12/8/89 Regulatory Agenda 55 FR 45500 10/29/90	NRC proposes to require that maintenance programs of commercial nuclear power plant licensees include specific activities, including the monitoring of the effectiveness of plant maintenance programs.  NRC adds an additional civil penalty adjustment factor for violations involving maintenance.  NRC issues a revised policy statement on maintenance of nuclear power plants indicating that NRC will hold in abeyance the NPRM of 11/28/88 for 18 months.	Final rule 6/91.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
100-214	Nuclear Power Plant Structures, Systems, and Components 10 CFR 50	ANPRM 54 FR 9229 3/6/89 Planned NPRM 55 FR 45501 10/29/90	NRC is proposing to develop regulations requiring enhanced acceptance procedures including, but not limited to, receipt inspection and testing of products purchased for use in nuclear power plant structures; systems, and components.	All action suspended, may be withdrawn.
*100-216	Guidance on Management Controls/ Quality Assurance, Requirements For Operation, Chemical Safety, and Fire Protection for Fuel Cycle Facilities	Proposed guidance 54 FR 11590 3/21/89	NRC proposes four branch technical positions on management controls/quality assurance, requirements for operation, chemical safety, and fire protection for fuel cycle facilities.	Separate guidance documents will be issued for each of the four categories. <u>Fire protection document to be issued first, in 9/91.</u>
100-222	Code and Standards for Nuclear Power Plants 10 CFR 50	Planned NPRM 55 FR 45486 10/29/90	NRC will incorporate by reference Subsection IWE, "Requirements for Class MC Components of Light-Water Cooled Power Plants," of Sect. XI of the ASME Code. Section IWE provides the rules and requirements for inservice inspection, repair, and replacement of Class MC pressure retaining components and their integral attachments and of metallic shell and penetration liners of Class CC pressure retaining components and their integral attachment in light-water cooled power plants.	NPRM 12/91.
*100-223	Pressurized Thermal Shock Rule 10 CFR 50	NPRM 54 FR 52946 12/26/89 Notice 55 FR 71 1/2/90 Regulatory Agenda 55 FR 45501 10/29/90	NRC proposes to revise the pressurized thermal shock rule of 1985 to make the procedure used to calculate the amount of radiation embrittlement that a reactor vessel receives consistent with that given in Revision 2 of Regulatory Guide 1.99.	<u>Final rule 4/91.</u>

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
100-224	Primary Reactor Containment Leakage Testing for Water-Cooled Reactors 10 CFR 50	NPRM 51 FR 39538 10/29/86 Regulatory Agenda 55 FR 45498 10/29/90	NRC propose to update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors in order to eliminate inconsistencies and obsolete requirements.	Final rule uncertain, may be withdrawn. If not withdrawn, will be published by Spring 1991.
100-234	Physical Protection Requirements 10 CFR 70 10 CFR 72 10 CFR 73 10 CFR 75	NPRM 54 FR 33570 8/15/89 Notice 55 FR 7960 3/6/90 Regulatory Agenda 55 FR 45487 10/29/90	NRC proposes to amend its regulations that cover the physical protection of special nuclear materials to correct editorial errors and clarify wording and definitions.	Final rule 5/91.
100-248	Emergency Response Data System 10 CFR 50	NPRM 55 FR 41095 10/9/90	NRC proposes to require licensees to participate in the Emergency Response Data System (ERDS) program and to set a definite schedule for its implementation. The ERDS is a direct electronic data link between computer data systems used by licensees and the NRC Operations Center.	Final rule 7/91.
100-249	Requirements for Possession of Industrial Devices 10 CFR 31	Planned NPRM 55 FR 45489 10/29/90	NRC will propose to amend the regulations for the possession of industrial devices containing byproduct material to require device users to report to the NRC on a periodic basis. The proposed report would indicate that the device is still in use or to whom the device has been transferred, and so would assure that devices are not improperly transferred or inadvertently discarded.	NPRM 2/91. Final rule 2/92.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
100-252	Import and Export of Radioactive Waste 10 CFR 110	ANPRM 55 FR 4181 2/7/90 Planned NPRM 55 FR 45490 10/29/90	NRC will propose to regulate the import and export of radioactive wastes, in particular low-level wastes, in order to more properly control the international transfer of these wastes.	NPRM 2/91.
100-256	U-AVLIS Uranium Enrichment - Permits for Access to Restricted Data 10 CFR 725	NPRM 55 FR 15237 4/23/90 Regulatory Agenda 55 FR 44410 10/29/90	DOE proposes to amend the regulations concerning permits for access to uranium isotope separation restricted data by updating category C-24 to include the U-AVLIS technology for the separation of uranium isotopes and requiring private sector permit applicants to pay \$100,000 for an access permit. The purpose of the amendments is to encourage private sector participation in the government's uranium enrichment program.	Final rule 4/91.
100-258	Emergency Preparedness Regulations 10 CFR 50	Planned NPRM 55 FR 45491 10/29/90  Planned NPRM 55 FR 45491 10/29/90	NRC will propose to clarify the linkage between the need for "reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency" indicated in Sect. 50.47(a) and 16 planning standards outlined in Sect. 50.47(b). In addition, this rule will clarify the term "range of protective" actions and the issues of monitoring of evacuees, actions for recovery and reentry, notification of the public, evacuation time estimates, and exercise frequency.  NRC will propose a rule to amend the regulations concerning those portions of emergency plans which cannot be exercised prior to issuance of a Part 52 combined license. This rulemaking will be accomplished on a "high priority basis."	NPRM 4/91. Final rule 12/91.  NPRM sent to Commission 4/90; awaiting their action on it.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
100-262	Zero-Release Low-Level Radioactive Waste Disposal Facility - Sierra Club Petition 10 CFR 61	Petition for rulemaking 55 FR 13797 4/12/90 Receipt of amendment 55 FR 23206 6/7/90	NRC has received a petition for rulemaking from the Sierra Club to amend 10 CFR 61 to permit the design and construction of a zero-release LLW facility in a saturated zone so that North Carolina may waive its requirement that the bottom of a LLW facility be at least seven feet above the seasonal high water table. The Sierra Club amends its petition by requesting NRC to consider new information on polymer concrete technology as an alternative means for realizing the objective of the original petition.	Final decision on whether to proceed with rulemaking 6/91.
100-265	Nuclear Plant License Renewal - Environmental Effects 10 CFR 51	ANPRM 55 FR 29964 7/23/90 NOI 55 FR 29967 7/23/90 Planned NPRM 55 FR 45481 10/29/90	NRC is considering an amendment to its regulations that would add provisions concerning the scope of environmental effects which would be addressed by the Commission in conjunction with applications for license renewal for nuclear power plants.	NPRM 5/91. Final rule 4/92.
100-275	Import and Export of Nuclear Equipment and Material 10 CFR 110	Planned NPRM 55 FR 45494 10/29/90 Notice 55 FR 53596 12/31/90	NRC will propose amendments to: (1) permit the expedited import and export of certain nuclear material where no significant proliferation risks are involved, (2) streamline the procedures for public participation in NRC's licensing process, (3) delete from the lists of restricted destinations those countries that signed the Non-Proliferation Treaty, (4) add Namibia to the general license allowing import of their uranium, and (5) make other minor changes. NRC will also propose that the export of heavy water to Canada and low-enriched uranium to EURATOM and to Japan for enrichment will no longer require license application review by the Executive Branch.	NPRM 4/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
100-276	Timeliness in Conduct of Decommissioning of Material Facilities 10 CFR 30 10 CFR 40 10 CFR 70 10 CFR 72	Planned NPRM 55 FR 45495 10/29/90	NRC will propose to require decontamination and decommissioning of material facilities within a fixed period of time after cessation of operations.	NPRM 4/91.
100-277	Challenges to Orders That Are Made Immediately Effective 10 CFR 2	NPRM 55 FR 27645 7/5/90 Regulatory Agenda 55 FR 45494 10/29/90	NRC proposes to require that challenges to the merits of an immediately effective order be heard expeditiously, except where good cause exists for delay.	Final rule undetermined.
100-278	Material Control and Accounting Requirements for Uranium Enrichment Plants 10 CFR 74	NPRM 55 FR 51726 12/17/90	NRC proposes to establish material control and accounting requirements for special nuclear material of low strategic significance at uranium enrichment plants, including requirements to detect and prevent enrichment above a specified maximum.	Comments by 3/4/91.
*100-279	Codes and Standards for Nuclear Power Plants - ASME Code Addenda 10 CFR 50	NPRM 56 FR 3796 1/31/91	NRC proposes to incorporate by reference the 1986, 1987, and 1988 Addenda, and the 1989 edition of Section III, Division 1, and Section XI, Division 1, with a specified modification, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). NRC also proposes to impose augmented examination of reactor vessel shell welds.	<u>Comments by 4/16/91.</u>
100-281	License Application for High-Level Waste Repository	NOA 55 FR 48307 11/20/90	NRC issues a draft regulatory guide, DG-3003, "Format and Content for the License Application for the High-Level Waste Repository," to provide guidance on the information to be provided in the license application for the high-level repository.	Comments by 3/15/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
URANIUM MILL TAILINGS RADIATION CONTROL ACT				
*930-029	Groundwater Protection Standards for Inactive Uranium Tailing Sites 40 CFR 192	NPRM 52 FR 36000 9/24/87 Regulatory Agenda 55 FR 45167 10/29/90	EPA proposes standards for preventing groundwater contamination at inactive uranium processing sites. The rule will replace the groundwater provisions of the final rule of 1/5/83 for remedial action.	Final rule undetermined; <u>still being reviewed by OMB and NRC.</u>
930-034	Uranium Mill Tailing Sites - Remedial Action Program and Annotation of Land Records 10 CFR 764	NPRM 54 FR 29732 7/14/89 Regulatory Agenda 55 FR 44410 10/29/90	DOE proposes to clarify the obligation of certain states to annotate local land records so as to ensure that future purchasers of remediated properties will be notified of the extent of the remedial work.	Final rule 2/91.
TOXIC SUBSTANCES CONTROL ACT				
Containerized Liquids in Landfills -- RU# 840-024				
920-008	PCBs in Electrical Transformers 40 CFR 761	NPRM 47 FR 37342 8/25/82 NPRM 49 FR 39966 10/11/84 Final rule 50 FR 29170 7/17/85 Final rule amendment 55 FR 49043 11/26/90	This rule amends portions of an existing rule concerning use of PCBs. It prohibits use of secondary higher voltage (480 volts) network PCB transformers, requires installation of enhanced electrical protection on lower secondary voltage network PCB transformers, prohibits further installations of PCB transformers, requires registration and marking, and requires removal of combustibles stored near PCB transformers. EPA amends the regulations concerning enhanced electrical protection requirements for low voltage radial transformers containing PCBs and extends the deadline for compliance for these types of transformers.	Effective 8/16/85. Amendment effective 2/25/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

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920-053	Test Rule - Exemption Policy Revision 40 CFR 790	Interim final rule 50 FR 20652 5/17/85 Interim final rule 54 FR 36311 9/1/89 Planned NPRM 55 FR 45151 10/29/90	EPA amends the test rule development and procedural rule (49 FR 39774) to allow for a single phase rulemaking covering both the effects for which testing is necessary and the testing methodology. EPA also amends it by modifying and clarifying the procedures for reviewing and approving or denying modifications to test standards and test schedules.  EPA plans to propose appropriate procedural changes to reduce the resources required for consent order negotiation.	Interim final rules effective immediately.  NPRM 4/91. Final rule 6/92.
920-064	Comprehensive Assessment Information Rule 40 CFR 704	Planned NPRM 55 FR 45154 10/29/90	EPA is considering revision of the Comprehensive Assessment Information Rule (CAIR) to establish exemptions for small and "de minimis" volumes, refine trade name reporting requirements, reduce certain advance substantiation requirements for Confidential Business Information (CBI) claims, and define processing activities using processor subclasses.	NPRM Summer 1991.
920-070	Test Guidelines 40 CFR 796 40 CFR 797	NPRM 52 FR 36334 9/28/87	EPA proposes to add new test guidelines of general procedures for laboratory testing for an effect or characteristic deemed important for evaluating the fate and environmental hazard of a chemical substance or mixture (test substance).	Final rule 12/91.
*920-076	Termination of PCBs Disposal Approvals 40 CFR 761	NPRM 55 FR 46470 11/2/90	EPA proposes a rule establishing criteria and procedures for the suspension and revocation of PCB storage and disposal approvals.	<u>Final rule 11/91.</u>

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*920-092	Chemical Test Data	Notice 56 FR 2178 1/22/91	EPA announces the receipt of chemical test data on vinyl fluoride and C.I. Disperse Blue.	
		Notice 56 FR 2924 1/25/91	EPA announces the receipt of chemical test data on methyl ethyl ketoxime and mercaptobenzothiazole submitted pursuant to a final test rule.	
920-113	SARA Section 110 Chemicals Generic Test Rule 40 CFR 790	Planned NPRM 55 FR 45151 10/29/90	This regulation will set forth the policies and procedures for using the TSCA Sect. 4 testing authority to obtain toxicity and chemical fate testing to fill certain data needs identified in toxicity profiles of chemicals prepared pursuant to SARA.	NPRM 3/91. Final rule 9/91.
920-119	PCBs - Wet Weight, Dry Weight Clarification 40 CFR 761	NPRM 55 FR 12866 4/6/90 Regulatory Agenda 55 FR 45156 10/29/90	EPA proposes to amend the PCB regulations final rule of 7/10/84 (49 FR 28171) by adding the phrase "on a dry weight basis" to Sect. 761.1(b).	Final rule and clarification Spring 1991.
920-123	Drinking Water Chemicals Proposed Test Rule 40 CFR 795 40 CFR 799	NPRM 55 FR 21393 5/24/90 Regulatory Agenda 55 FR 45155 10/29/90	EPA proposes a test rule under Sect. 4 of TSCA that would require manufacturers and processors to test the following substances for certain health effects: chloroethane, 1,1-dichloroethane, 1,1,2,2-tetrachloroethane, n-propylbenzene, and 1,3,5-trimethylbenzene. EPA also proposes a new testing guideline for a 14-day repeated dose oral toxicity study. This proposed rule supports EPA's effort to develop Health Advisories for unregulated drinking water contaminants monitored under the SDWA.	Final rule 7/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*920-124	Reduction of Lead Consumption and Use 40 CFR 721 40 CFR 750	Planned ANPRM 55 FR 45149 10/29/90	EPA initiates a regulatory investigation to determine the most cost-beneficial way to reduce human exposure to lead. EPA will consider a Sect. 6(a) rule for mandatory battery recycling, a Sect. 6(a) rule to restrict or phase-out high exposure lead uses, a Sect. 5(a)(2) significant new use rule to prevent hazardous new uses of lead, and an ANPRM to request information and announce intentions.	<u>ANPRM 3/91.</u>
*920-126	Recycling of Lead Acid Batteries 40 CFR Chapter I	Notice 55 FR 52884 12/24/90 Notice 56 FR 2885 1/25/91	EPA officially announces the establishment of an advisory committee to negotiate a rule to regulate the recycling of lead acid batteries under TSCA.	<u>NPRM 10/91.</u>

## HAZARDOUS MATERIALS TRANSPORTATION ACT

## Transportation Regulations - Compatibility with IAEA -- RU# 100-157

400-014	Railroad Shipment of Hazardous Material - Use of Cargo Tanks	ANPRM 50 FR 18278 4/30/85	The Federal Railroad Administration and the RSPA are considering development of safety standards to permit the use of cargo tanks, portable tanks, IM portable tanks, and multi-unit tank car tanks in trailers on flatcar and containers-on-flatcar service.	NPRM 2/91.
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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
400-033	Performance-Oriented Packaging Standards 49 CFR 171 49 CFR 172 49 CFR 173 49 CFR 174 49 CFR 175 49 CFR 176 49 CFR 177 49 CFR 178 49 CFR 179	ANPRM 47 FR 16268 4/15/82 NPRM 52 FR 16482 5/5/87 Supplemental NPRM 52 FR 42772 11/6/87 Supplemental NPRM 54 FR 31158 7/26/89 Notice of competent authority ruling 55 FR 10750 3/22/90 Supplemental NPRM 55 FR 21342 5/23/90 Supplemental NPRM 55 FR 26574 6/28/90 Final rule 55 FR 52402 12/21/90	RSPA sets performance-oriented packaging standards for small packages based on the Recommendation of the U.N. Committee of Experts on the Transport of Dangerous Goods and the ICAO Technical Instructions. Conformance to these standards will improve packaging, classification, and hazard communication.	Final rule effective 10/1/91. Compliance with regulations authorized on and after 1/1/91. Petitions for reconsideration due by 3/21/91.
*400-039	Pipeline Operator Qualifications 49 CFR 192 49 CFR 195	ANPRM 52 FR 9189 3/23/87 Planned NPRM 55 FR 44878 10/29/90	RSPA is considering the need to develop additional regulations governing training and qualification of persons that operators hire to design, construct, operate, or maintain pipeline facilities used in transport of gas or hazardous materials. An alternative program of operator certification is also being considered.	<u>NPRM 5/91.</u>

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
400-044	Hazardous Materials - Intrastate Commerce 49 CFR 171 49 CFR 172 49 CFR 173 49 CFR 174 49 CFR 175 49 CFR 176 49 CFR 177 49 CFR 178 49 CFR 179	ANPRM 52 FR 24195 6/29/87 Planned NPRM 55 FR 44878 10/29/90	DOT is considering extending the application of its hazardous material regulation to all intrastate transportation of hazardous materials in commerce.	NPRM late 1991.
400-057	Railroad Shipment of Hazardous Waste - Defects of Tank Car Tanks 49 CFR 173	ANPRM 52 FR 46510 12/8/87 Planned NPRM 55 FR 44881 10/29/90	RSPA proposes to require railroad tank car owners to inspect for cracks after certain tank repairs.	NPRM 3/91. Final rule 3/92.
400-061	Highway Routing Standards for Hazardous Materials 49 CFR 173.177 49 CFR 397	ANPRM 53 FR 11618 4/7/88 Planned NPRM 55 FR 44879 10/29/90	RSPA is considering establishing routing criteria, requirements, and methodologies for analyzing alternative routes for highway transport of non-radioactive hazardous materials.	NPRM being revised, possibly late Spring 1991.
400-062	Registration of Shippers and Carriers of Hazardous Materials 49 CFR 171 49 CFR 173 49 CFR 177	Planned NPRM 55 FR 44877 10/29/90	DOT lacks comprehensive data on the number, volume, and other statistics characterizing the transportation of hazardous materials in commerce. Comments will be requested on the burdens and benefits associated with various alternatives that could be used to obtain such information. The registration of carriers and shippers is one such alternative.	Rulemaking reactivated but no schedule for NPRM yet. Mandatory Congressional deadline for final rule 9/30/92.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
400-063	Hazardous Liquid Pipeline Damage-Prevention Program 49 CFR 192 49 CFR 195	NPRM 53 FR 24747 6/30/88 Regulatory Agenda 55 FR 44885 10/29/90	OPS, RSPA, and DOT propose to require operators of buried onshore hazardous liquid pipelines to conduct excavation damage prevention programs in accordance with criteria adopted previously for gas pipeline damage prevention programs. A large percentage of liquid pipeline accidents are caused by excavation damage, and experience has shown that rates of excavation accidents diminish when operators participate in such a program.	Final rule 5/91.
400-064	Maps and Records of Pipeline Location and Characteristics - State Notification 49 CFR 192 49 CFR 195	Planned NPRM 55 FR 44879 10/29/90	As part of a continuing policy to adopt similar safety requirements for gas and hazardous liquid pipelines, this action will propose to equalize the requirements that gas and liquid operators keep maps and records to show the location and other characteristics of pipelines and will require them to provide this information to state agencies upon request.	NPRM 4/91. Final rule 4/92.
400-073	Implementation of the ICAO's Technical Instructions 49 CFR 171 49 CFR 175	NPRM 55 FR 46839 11/7/90	RSPA proposes to amend its regulations in order to permit the offering, acceptance, and transportation by aircraft of hazardous materials shipments conforming to the most recent ICAO technical instructions.	Final rule undetermined.
*400-079	Packaging and Hazard Communication of Etiologic Agents 49 CFR 172 49 CFR 173	NPRM 53 FR 45525 11/10/88 Final rule 56 FR 197 1/3/91	RSPA amends the hazardous materials transport regulations to revise the definition of "etiologic agent" and remove the 50 ml exemption in 49 CFR 173.386.	<u>Effective 2/19/91.</u>

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
400-080	Marine Transport of Bulk Solid Hazardous Materials 46 CFR 148	ANPRM 54 FR 18308 4/28/89 Notice 55 FR 11481 3/28/90 Regulatory Agenda 55 FR 44772 10/29/90	DOT will propose to incorporate into 46 CFR 148 the Coast Guard's and the International Maritime Organization's requirements for shipping certain frequently carried hazardous bulk solids, to eliminate paperwork for both the Coast Guard and the shipping industry and to harmonize domestic regulations with international standards.	NPRM 8/91.
400-081	Operating Requirements for Rail Carriage 49 CFR 171 49 CFR 174	Final rule 55 FR 52402 12/21/90	DOT updates and rewrites the regulations contained in 49 CFR 171 and 174 which govern the transportation of hazardous material by rail.	Effective 10/1/91. Compliance with regulations authorized as of 1/1/91. Petitions for reconsideration due by 3/21/91.
*400-093	Transportation Regulations - Compatibility with IAEA 49 CFR 171 49 CFR 172 49 CFR 173 49 CFR 174 49 CFR 175 49 CFR 176 49 CFR 177 49 CFR 178	NPRM 54 FR 47454 11/14/89 NOA 54 FR 48054 11/20/89 Regulatory Agenda 55 FR 44888 10/29/90	RSPA proposes to revise its regulations to make them compatible with those of the IAEA for the safe transport of radioactive materials (see comparable NRC regulation RU# 100-157).	<u>Final rule 6/91.</u>
*400-094	Special Cargo Requirements for Benzene 46 CFR 151 46 CFR 153 46 CFR 197 46 CFR 30	NPRM 55 FR 2978 1/29/90 Regulatory Agenda 55 FR 44777 10/29/90	The Coast Guard proposes to revise the special carriage requirements for benzene and benzene mixtures and to add new regulations concerning occupational exposure to benzene on Coast Guarded inspected vessels. The regulations are being amended to incorporate the lower benzene exposure levels adopted by OSHA to provide workers in the marine mode with the same protection as their land-based counterparts.	<u>Final rule 7/91.</u>

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
*400-095	Elevated Temperature Materials 49 CFR 171 49 CFR 172 49 CFR 173	NPRM 54 FR 38930 9/21/89 Regulatory Agenda 55 FR 44887 10/29/90	RSPA is proposing to regulate materials which pose a hazard due to their being transported at elevated temperatures. Materials would include those in a liquid phase having temperatures at or above 212 degrees F and materials in a solid phase having temperatures at or above 464 degrees F. RSPA is also proposing to regulate, as flammable liquids, materials in a liquid phase with flash points at or above 100 degrees F which are transported at or above their flash points.	<u>Final rule undetermined.</u>
400-097	Transportation of Hydrogen Sulfide by Pipeline 49 CFR 192	ANPRM 54 FR 24361 6/7/89 Planned NPRM 55 FR 44882 10/29/90	Federal gas pipeline safety regulations do not specifically address all the safety risks associated with the presence of hydrogen sulfide in natural gas, such as those involving sulfide stress cracking and toxicity effects. RSPA will determine the need for regulations to control the concentration of hydrogen sulfide in natural gas pipeline systems.	NPRM 3/91. Final rule 3/92.
400-099	Gas Pipelines Corrosion 49 CFR 192	NPRM 54 FR 27041 6/27/89 Regulatory Agenda 55 FR 44887 10/29/90	RSPA proposes to require gas pipeline operators who must now inspect for corrosion on buried metallic pipe that is exposed to investigate further to determine the full extent of any corrosion that is found.	Final rule 4/91.
400-102	Training for Hazardous Materials Transportation 49 CFR 172 49 CFR 174 49 CFR 175 49 CFR 176 49 CFR 177	NPRM 54 FR 31144 7/26/89 Regulatory Agenda 55 FR 44884 10/29/90	RSPA is proposing to amend the Hazardous Materials Regulations (HMR) to require that persons who perform functions involving the transportation of hazardous materials receive training concerning regulatory requirements applicable to those functions, and persons who work in proximity to hazardous materials receive training concerning hazardous materials awareness and safety procedures.	Final rule 3/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
400-110	Hydrostatic Pressure Testing of Hazardous Liquid Pipelines	Planned NPRM 55 FR 44878 10/29/90	Studies have shown that large spill accidents attributable to latent material or construction defects can be prevented by restricting operation to not more than 80% of a prior test or operating pressure. This rule would set this safety standard for all hazardous liquid pipelines.	NPRM 2/91. Final rule 2/92.
*400-111	Operator's Plans or Procedures 49 CFR 190 49 CFR 193 49 CFR 195	NPRM 54 FR 46684 11/6/89 Regulatory Agenda 55 FR 44888 10/29/90	OPS proposes to change the procedures and policy for addressing deficiencies in operators' procedures and plans relating to gas, LNG, and hazardous liquid pipelines. The proposed changes include making operators subject to all enforcement sanctions under the Natural Gas Pipeline Safety Act of 1968, as amended, and the Hazardous Liquid Pipeline Safety Act of 1979, as amended, for failure to maintain all plans and procedures in accordance with applicable requirements.	<u>Final rule 6/91.</u>
400-112	Operation and Maintenance Procedures for Pipelines 49 CFR 192 49 CFR 195	NPRM 54 FR 46685 11/6/89 Regulatory Agenda 55 FR 44885 10/29/90	OPS proposes to clarify and delineate the items that must be addressed in procedures for operations and maintenance of gas pipelines facilities to assure that operators take timely and appropriate actions under normal conditions or in responding to abnormal conditions. In addition, operators would be required to establish procedures for personnel safety in trenches where there may be a hazardous accumulation of vapor or gas.	Final rule 4/91.
400-113	Gas Pipeline Operating Above 72 Percent of Specified Minimum Yield Strength 49 CFR 192	ANPRM 54 FR 50780 12/11/89 Correction 54 FR 51816 12/18/89 Planned NPRM 55 FR 44881 10/29/90	A grandfather clause allows certain steel gas pipelines to operate at hoop stress levels above 72 percent of the specified minimum yield strength (SYMS) of the pipe - the highest operating hoop stress permitted on steel pipe in all other regulated gas pipelines. The Office of Pipeline Safety is concerned about this possible disparity in protection and invites public comments to determine an appropriate course of action.	NPRM undetermined.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
400-116	Requirements for Explosives 49 CFR 171 49 CFR 172 49 CFR 173	NPRM 55 FR 18438 5/2/90 Correction 55 FR 24350 6/15/90 Final rule 55 FR 52402 12/21/90	RSPA amends the hazardous materials transportation regulations relating to hazard classification, packaging, and hazard communication for explosives to make them consistent with the United Nations Recommendations on the Transport of Dangerous Goods.	Final rule effective 10/1/91. Compliance with regulations authorized as of 1/1/91. Petitions for reconsideration due by 3/21/91.
400-117	Revisions to Modal Regulations (Carrier Provisions) 49 CFR 174 49 CFR 175 49 CFR 177	NPRM 55 FR 18546 5/2/90 Final rule 55 FR 52402 12/21/90	RSPA revises the carrier provisions of the hazardous materials transportation regulations to align the requirements with previous proposals and with the ICAO's Technical Instructions for the Safe Transport of Dangerous Goods by Air.	Final rule effective 10/1/91. Compliance with regulations authorized as of 1/1/91. Petitions for reconsideration due by 3/21/91.
400-118	Specifications for Tank Car Tanks 49 CFR 173	ANPRM 55 FR 20242 5/15/90 Supplemental ANPRM 55 FR 35327 8/29/90 Planned NPRM 55 FR 44877 10/29/90	RSPA considers amendments to: (1) require thermal or head protection or both on new and existing tank car tanks constructed of aluminum or nickel; (2) disallow use of the half-head shield as an option to meet head protection requirements; (3) prohibit the use of tanks that have a manway opening located below the liquid level of the material transported; (4) disallow the use of "non-pressure" tanks to transport materials poisonous by inhalation; (5) increase the start-to-discharge pressure setting on certain tanks; (6) establish specifications for securement and accident survivability of closure fittings; and (7) phase out certain "grandfather" provisions. RSPA also solicits comments on operational changes and design modifications to consider instead of retrofitting tanks. In a supplement to its 5/15/90 ANPRM, RSPA considers four further amendments to its tank car tank specifications.	NPRM undetermined.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
400-120	Hazardous Liquid Pipelines Operating at 20 Percent or Less of Specified Minimum Yield Strength 49 CFR 195	ANPRM 55 FR 45822 10/31/90	RSPA solicits comments and information to use in determining whether and to what extent to remove the exception in the pipeline safety standards governing hazardous liquid pipelines which says that they do not apply to pipelines operated at 20 percent or less of the specified minimum yield strength of the pipe.	NPRM undetermined.
400-121	Excess Flow Valve Installation on Service Lines 49 CFR 192	ANPRM 55 FR 52188 12/20/90	The Office of Pipeline Safety seeks public participation in determining whether operators should be required to install excess flow valves on gas service lines to improve safety and reduce the frequency of incidents. Flow valves are designed to shut off automatically when a line is broken.	Comments by 3/20/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
OCCUPATIONAL SAFETY AND HEALTH ACT				
780-006	Occupational Exposure to Formaldehyde 29 CFR 1910 29 CFR 1926	NPRM 50 FR 50412 12/10/85 Final rule 52 FR 46168 12/4/87 Notice of partial approval 53 FR 6628 3/2/88 Corrections 53 FR 27923 7/25/88 Administrative stay 53 FR 50198 12/13/88 Corrections; technical amendments 54 FR 29545 7/13/89 Correction 54 FR 31765 8/1/89 Administrative stay extended 55 FR 51698 12/17/90	OSHA reduces its permissible exposure limits (PELs) for formaldehyde from an 8-hr time-weighted average (TWA) of 3 ppm to 1 ppm, revokes the 10 ppm TWA for up to 30 minutes, reduces from 5 ppm to 2 ppm the 15-minute short term exposure limit (STEL), and sets an "action level" of 0.5 ppm measured as an 8-hr TWA. The information requirements have been approved by OMB. The hazard communications requirements were approved after resubmittal by OSHA on 10/7/88. However, OSHA has granted an administrative stay of these provisions for nine months. During this period, OSHA will propose to revoke these hazard communication provisions and to invite comments on the substitution of the full Hazard Communication Standard. Pending completion of this rulemaking, affected employers must continue to comply with the provisions of OSHA's Hazard Communication Standard.	Effective date for hazard communication provisions 12/20/88. Administrative stay of hazard communication requirements effective until 3/11/91. Amendments effective 7/13/89. NPRM 9/91.
780-009	Occupational Exposure to Methylene Chloride 29 CFR 1910	ANPRM 51 FR 42257 11/24/86 Planned NPRM 55 FR 44715 10/29/90	OSHA intends to develop a permanent standard for occupational exposure to methylene chloride.	NPRM 4/91.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
780-011	Respiratory Protection 29 CFR 1910.134 29 CFR 1915.152 29 CFR 1918.102 29 CFR 1926.103	ANPRM 47 FR 20803 5/14/82 Planned NPRM 55 FR 44713 10/29/90	OSHA is reviewing current standards for respiratory protection and intends to propose revisions following analysis of the standards.	NPRM 4/91. Final rule 4/92.
780-015	Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite 29 CFR 1910 29 CFR 1926	Administrative stay and revisions 51 FR 37002 10/17/86 Administrative stay extended 52 FR 15722 4/30/87 Corrections 52 FR 17752 5/12/87 Partial stay extended and final rule amended 53 FR 27345 7/20/88 Partial stay extended; final rule amended 54 FR 30704 7/21/89 Supplemental NPRM 55 FR 4938 2/12/90 Partial stay extended 55 FR 50685 12/10/90	On 6/20/86 OSHA revised the standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry and in the construction industry. OSHA has since received many comments regarding the appropriateness of regulating nonasbestiform tremolite, anthophyllite, and actinolite as presenting the same health risk as asbestos. OSHA has granted administrative stays of the standards as they apply to nonasbestiform varieties to allow time for OSHA to reopen the rulemaking record on the issue of whether, and how, to regulate occupational exposure to the nonasbestiform varieties. OSHA makes minor conforming amendments and extends the partial administrative stay of the revised final standards for occupational exposure as they apply to nonasbestiform tremolite, anthophyllite, and actinolite.  OSHA proposes to lift the administrative stay, remove 29 CFR 1910.1101, and amend the revised asbestos standards to remove non-asbestiform tremolite, anthophyllite, and actinolite from their scope.	Asbestos forms made effective 7/21/86. Administrative stay for other forms extended to 8/31/91.  Final rule 2/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
780-020	Construction Standards - Safety Standards for Scaffolds 29 CFR 1926	NPRM 51 FR 42680 11/25/86 Regulatory Agenda 55 FR 44720 10/20/90	OSHA proposes to revise the construction industry safety standards for scaffolds to regulate the design, construction, and use of all scaffolds in construction.	Final rule 12/91.
780-021	Construction Industry - Safety Standards for Fall Protection 29 CFR 1926	NPRM 52 FR 42718 11/25/86 Regulatory Agenda 55 FR 44720 10/29/90	OSHA proposes to revise the construction industry safety standards to regulate the design and use of fall protection systems and procedures. The proposed revisions would address exposure hazards by using performance criteria rather than specification standards.	Final rule 9/91.
*780-022	Construction Industry - Safety Standards for Stairways and Ladders 29 CFR 1926	NPRM 51 FR 42750 11/25/86 Final rule 55 FR 47660 11/14/90 Corrections 56 FR 2585 1/23/91	OSHA amends its construction industry standards by revising and relocating the existing provisions for stairways and ladders from existing Subpart L and M into Subpart X.	Effective 1/14/91.
780-025	Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates 29 CFR 1910.1000	ANPRM 52 FR 10586 4/2/87 Planned NPRM 55 FR 44715 10/29/90	OSHA plans to develop standards for occupational exposure to 2-methoxyethanol, 2-ethoxyethanol, and their acetates, all of which are compounds used as industrial solvents.	NPRM 2/91.

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
780-026	Occupational Exposure to Methylenedianiline (MDA) 29 CFR 1910 29 CFR 1926	Proposed standards 52 FR 26776 7/16/87 NPRM 54 FR 20672 5/12/89 Regulatory Agenda 55 FR 44721 10/29/90	OSHA proposes an eight-hour time-weighted average (TWA) of 10 ppb and a short-term exposure limit (STEL) of 100 ppb for methylenedianiline. The regulation also includes requirements such as medical surveillance, exposure monitoring, hygiene facilities, engineering controls and work practices, proper respirator use, and recordkeeping.	Final rule 4/91.
780-028	Hazardous Materials - Process Hazards Management 29 CFR 1910	NPRM 55 FR 29150 7/17/90 Regulatory Agenda 55 FR 44716 10/29/90	OSHA proposes procedures for process safety management of hazards associated with processes using highly hazardous materials. These performance-oriented requirements would replace the specification-oriented requirements now in place. This is the first phase of a three-phase action.	Public hearing 2/26/91. Final rule 7/91.
780-029	Occupational Exposure to Cadmium 29 CFR 1910	NPRM 55 FR 4052 2/6/90 Regulatory Agenda 55 FR 44725 10/29/90	OSHA proposes two 8-hour time-weighted average permissible exposure limits (TWA PEL) of 5 and 1 micrograms of cadmium per cubic meter of air and a 15-minute excursion limit (EL) of five times the TWA PEL for all cadmium compounds, as well as a number of ancillary employee protection provisions dealing with monitoring, recordkeeping, hazard communication, and personal protective equipment. These regulations would apply to general industry, agriculture, the maritime industry, and the construction industry.	Final rule 9/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
780-032	Electrical Safety-Related Work Practices 29 CFR 1910 29 CFR 1926	NPRM 52 FR 45530 11/30/87 Corrections 53 FR 2047 1/26/88 Final rule 55 FR 31984 8/6/90 Correction 55 FR 46052 11/1/90	OSHA issues a new standard on electrical safety-related work practices for general industry. These new performance-oriented regulations complement the existing electrical installation standards. OSHA also issues amendments to the general industry standards which promote uniformity and reduce redundancy among the general industry standards.	Final rule, except for part 1910.332, effective 12/4/90. Part 1910.332 effective 8/6/91.
780-041	Generic Standard for Exposure Monitoring 29 CFR 1910	ANPRM 53 FR 37591 9/27/88 Planned NPRM 55 FR 44716 10/29/90	OSHA is evaluating the feasibility and usefulness of adoption of a generic standard on exposure monitoring for employees exposed to toxic substances.	NPRM 4/91.
780-042	Medical Surveillance Program for Employees 29 CFR 1910	ANPRM 53 FR 37595 9/27/88 Planned NPRM 55 FR 44716 10/29/90	OSHA is evaluating the feasibility and usefulness of adoption of a generic standard on medical surveillance programs for employees exposed to toxic substances or hazardous physical agents.	NPRM 1/92.
780-044	Asbestos Short-Term Exposure Limit 29 CFR 1910 29 CFR 1926	NPRM 55 FR 29712 7/20/90 Regulatory Agenda 55 FR 44725 10/29/90	In response to litigation, OSHA proposes to lower the PEL to 0.1 f/cc, set additional communication and notification requirements, require oversight of all construction operations, and more explicitly define the exemptions from the negative-pressure enclosure requirement.	Final rule 7/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
780-045	Hazardous Waste Training Course Certification 29 CFR 1910	NPRM 55 FR 2776 1/26/90 Regulatory Agenda 55 FR 44726 10/29/90	DOL proposes accreditation procedures for training programs set up under the Hazardous Waste Operations and Emergency Response final rule of 3/9/89 for employees involved in clean-up operations at uncontrolled hazardous waste sites being cleaned up under government mandate and for employees involved in certain hazardous waste treatment, storage, and disposal operations. This rule does not propose to accredit training programs for employees engaged in emergency response activities.	Final rule 11/91.
780-047	Electrical Protective Equipment; Generation, Transmission, Distribution 29 CFR 1910	NPRM 54 FR 4974 1/31/89	OSHA proposes a standard for work practices used in operation and maintenance of electric power generation, transmission, and distribution facilities. Revisions to protective equipment requirements are included.	Final rule 12/91.
780-049	Occupational Exposure to Bloodborne Pathogens 29 CFR 1910	NPRM 54 FR 23042 5/30/89 Notice 54 FR 30330 7/19/89 Notice 54 FR 42378 10/16/89 NOA 55 FR 10250 3/20/90 Regulatory Agenda 55 FR 44724 10/29/90	OSHA proposes to reduce occupational exposure to Hepatitis B Virus (HBV), Human Immunodeficiency Virus (HIV) and other bloodborne pathogens by proposing a combination of engineering and work practice controls, personal protective clothing and equipment, training, medical follow-up of exposure incidents, and vaccination (where applicable). OSHA makes available a survey relating to the technological and economic feasibility of implementing the NPRM in non-hospital facilities, and notifies the public that the results of a similar survey on hospital facilities will be completed soon.	Final rule 5/91.

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RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
780-051	Confined Spaces - Permits and Safety Requirements 29 CFR 1910 29 CFR 1910.146	NPRM 54 FR 24080 6/5/89 Regulatory Agenda 55 FR 44721 10/29/90	OSHA proposes to establish safety requirements, including a permit system, for entry into those confined spaces which OSHA has identified as posing special dangers for entrants due to their configuration or other features.	Final rule 2/92.
780-052	Methods of Compliance 29 CFR 1910	NPRM 54 FR 23991 6/5/89 Regulatory Agenda 55 FR 44720 10/29/90	OSHA proposes to modify the existing provisions for controlling employee exposures to toxic substances found in 29 CFR 1910.1000(e) and 1910.134(a)(1). The agency proposes to incorporate additional flexibility in its requirements by setting forth the circumstances under which respiratory protection may be used in lieu of engineering controls.	Final rule 5/91.
780-054	Personal Protective Equipment 29 CFR 1910	NPRM 54 FR 33832 8/16/89 Regulatory Agenda 55 FR 44723 10/29/90	OSHA proposes to revise portions of the general industry safety standards addressing personal protective equipment. The criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these types of equipment.	Final rule 6/91.
780-057	General Industry - Personal Fall Protective Equipment 29 CFR 1910	NPRM 55 FR 13423 4/10/90 Regulatory Agenda 55 FR 44720 10/29/90	OSHA proposes to amend the standards for personal protective equipment for general industry by adding criteria pertaining to personal fall protection systems, including fall arrest systems, work positioning systems, travel restricting systems, and fall protection systems for climbing.	Final rule 9/91.

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780-058	General Industry Standards - Walking and Working Surfaces 29 CFR 1910	NPRM 55 FR 13360 4/10/90 Regulatory Agenda 55 FR 44724 10/29/90	OSHA proposes to revise its general industry standards for workplace walking and working surfaces in order to focus on the hazards that can result in trips, slips, and falls causing serious and fatal injuries. This proposed standard will also eliminate ambiguities and redundancies in the existing Subpart D standards and address areas not covered in the existing standards.	Final rule 9/91.
780-059	Recording and Reporting Occupational Injuries and Illnesses 29 CFR 1904	Planned NPRM 55 FR 44717 10/29/90	OSHA requires covered employers to record all work-related fatalities, illnesses, and certain injuries and to report summary data if selected to participate in the BLS annual survey. BLS and OSHA have tested several data collection vehicles and procedures and are revising the recordkeeping guidelines to improve the usefulness of the survey outputs.	NPRM 7/91.
780-060	PEL (Z Table) Update 29 CFR 1910	Planned NPRM 55 FR 44713 10/29/90	OSHA plans to establish a program to revise the Z Table on a regular basis to establish permissible exposure limits (PELs) and to use substance-specific standards only in those cases where complex issues or the nature of the risk necessitate additional protection.	Completion of options paper 3/91.
ENDANGERED SPECIES ACT				
200-039	Endangered and Threatened Wildlife - Bald Eagle 50 CFR 17	ANPRM 55 FR 4209 2/7/90	The FWS will propose a regulation dealing with the possible delisting, downlisting, or reclassification of the bald eagle ( <u>Haliaeetus leucocephalus</u> ) from endangered to threatened.	NPRM undetermined.
200-042	Endangered and Threatened Plants - Leafy Prairie-clover 50 CFR 17	NPRM 55 FR 11230 3/27/90 Regulatory Agenda 55 FR 44590 10/29/90	FWS proposes to list <u>Dalea foliosa</u> (leafy prairie-clover) as an endangered species. This rare plant is found in one site in Morgan County, AL, seven sites in central Tennessee, and four sites in northeast Illinois. It is typically found growing in close association with cedar glades.	Final rule 3/91.

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<b>MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT</b>				
460-001	Ocean Dumping Regulations for Dredged Material 40 CFR 225 40 CFR 227 40 CFR 228	Planned NPRM 55 FR 45162 10/29/90	EPA will propose revisions to regulations applicable to the ocean dumping of dredged material in response to a recent court decision and to incorporate program experience. The revisions will make necessary technical changes and will improve the clarity of the regulations.	NPRM 3/91. Final rule 3/92.
<b>NATIONAL ENVIRONMENTAL POLICY ACT</b>				
480-012	NEPA - Revised Implementing Procedures	Notice of proposed revised procedures 54 FR 47832 11/17/89	The BLM proposes revisions to its procedures for implementing NEPA which will delete a number of obsolete and potentially misleading references and will refine the agency's list of actions that are categorically excluded from preparation of an environmental document.	Final revisions 3/91.
*480-014	NEPA Review Procedures for ORD, Public and Other Federal Agency Involvement 40 CFR 6	NPRM 55 FR 18838 5/4/90 Regulatory Agenda 55 FR 45209 10/29/90	EPA proposes the following changes to its NEPA review procedures for projects conducted by the Office of Research and Development (ORD): (1) development of procedures to categorically exclude from a full NEPA review those ORD projects normally having no significant impact on the environment; (2) revision of criteria which address when an EIS is required on ORD projects; (3) provision to coordinate ORD's NEPA reviews with other EPA program reviews; and (4) general clarification of the NEPA review process for ORD actions. EPA also proposes to amend Subpart D, concerned with public and other federal agency involvement, to eliminate the requirement for public notice of categorical exclusion determinations.	<u>Final rule 3/91.</u>

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480-015	DOE Compliance With NEPA 10 CFR 1021	NPRM 55 FR 46444 11/2/90	DOE proposes to revise the rule on DOE compliance with NEPA to incorporate revised provisions of DOE's guidelines for implementing the procedural provisions of NEPA.	Final rule undetermined.
		Notice of proposed revocation 55 FR 47792 11/15/90	DOE proposes revocation of its National Environmental Policy Act Guidelines, as amended, as a technical, conforming change to take effect when new regulations codifying a modified version of the NEPA Guidelines take effect.	Final revocation undetermined.
ARCHEOLOGICAL RESOURCES PROTECTION ACT				
090-002	Curation of Federally Owned Archaeological Collections 36 CFR 79	NPRM 55 FR 37670 9/12/90	NPS proposes to amend the final rule of 9/12/90 to establish procedures for federal agencies to provide both information on the disposition of collections and copies of certain associated records to pertinent state officials, and procedures for discarding certain collection materials.	Final rule undetermined.
NATIONAL HISTORIC PRESERVATION ACT				
540-005	National Register of Historic Places 36 CFR 60 36 CFR 63	NPRM 51 FR 28204 8/5/86 Regulatory Agenda 55 FR 44605 10/29/90	DOI proposes a rule to clarify the various administrative procedures for identification of historic and archeological properties for the National Register of Historic Places by consolidating and updating 36 CFR 60 and 63.	Final rule Fall 1991.
FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT				
*300-003	Guidelines on Disposal and Storage 40 CFR 165	Updating underway 50 FR 44656 10/29/85 Planned NPRM 55 FR 45147 10/29/90	The 1988 amendments to FIFRA significantly expand EPA authority to regulate the storage, transportation, and disposal of pesticides. The Agency may exercise this authority through labeling provisions, procedures for recall of canceled products, and other regulations for storage, transport, and disposal of pesticide residues.	<u>NPRM under internal review; no scheduled action as yet. Under court-ordered 12/91 deadline.</u>

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## REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
300-004	Worker Protection Standards 40 CFR 156 40 CFR 170	ANPRM 49 FR 32605 8/15/84 NPRM 53 FR 25970 7/8/88 Corrections 53 FR 32322 8/24/88 Regulatory Agenda 55 FR 45148 10/29/90	EPA proposes to revise its regulations governing worker protection from agricultural pesticides. These revisions would expand the scope of the standards to include workers in forests, nurseries, and greenhouses, and workers who mix, load, and apply pesticides.	Final rule delayed until late 1991; low priority.
*300-007	Restricted Use Classification for Groundwater Contaminating Pesticides 40 CFR 152.170	Notice 55 FR 5861 2/20/90 Planned NPRM 55 FR 45145 10/29/90	This rule will provide a scheme for identifying pesticides which may pose an unacceptable hazard because of the potential to leach into groundwater. The Agency will propose criteria for classifying such pesticides for restricted use. Restricted use pesticides generally may be applied only by state certified applicators.	<u>NPRM delayed;</u> <u>action date</u> <u>undetermined.</u>
300-014	Microbial Pesticides 40 CFR 172	Planned NPRM 55 FR 45146 10/29/90	EPA will propose to amend its experimental use permit regulations for pesticides to clarify the circumstances under which a permit is presumed not to be required and to specify that the presumption is based on risk. EPA will also propose to require notification before initiation of small-scale testing of certain genetically modified microbial pesticides.	NPRM 7/91.
300-021	Certification of Restricted Use Pesticide Applicator 40 CFR 152	NPRM 55 FR 46890 11/7/90	EPA proposes to revise the rules regarding the certification of applicators of restricted use pesticides to upgrade the provisions of certification programs.	Comments by 3/8/91.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
FEDERAL MINE SAFETY AND HEALTH ACT				
330-002	Metal and Nonmetal Mines - Radiation Standards 30 CFR 56 30 CFR 57	ANPRM 50 FR 47700 11/19/85 NPRM 51 FR 45678 12/19/86 Regulatory Agenda 55 FR 44709 10/29/90	The Mine Safety and Health Administration proposes to revise existing standards for ionizing radiation at underground metal and nonmetal mines. The rule will improve worker protection based on current developments in radiation protection principles.	Final rule still undergoing revisions. Low priority, no scheduled action date.
*330-004	Safety Standards for Explosives at Metal and Nonmetal Mines	NPRM 53 FR 45487 11/10/88 Final rule 56 FR 2070 1/18/91	DOL updates and clarifies the Mine Safety and Health Administration's safety standards for explosives at metal and nonmetal mines to make them consistent with technological advances such as gaseous initiation systems, miniaturized detonating cord systems, and the use of bulk mixing of explosives materials.	<u>Effective 3/19/91.</u>
330-005	Air Quality, Chemical Substances, and Respiratory Protection Standards 30 CFR 56 30 CFR 57 30 CFR 58 30 CFR 70 30 CFR 71 30 CFR 72 30 CFR 75 30 CFR 90	NPRM 54 FR 35760 8/29/89 Correction 55 FR 5118 2/13/90 Regulatory Agenda 55 FR 44709 10/29/90	The Mine Safety and Health Administration proposes to revise existing standards for air quality and chemical substances at coal and metal/nonmetal mines. Permissible exposure limits (PELs) for substances that may pose health hazards at these mines and revised requirements for exposure monitoring, carcinogens, and respiratory protection programs are proposed.	Final rule 1992.

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REGULATORY UPDATE TABLE - JANUARY 1991

RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
330-006	Hazard Communication 30 CFR 46 30 CFR 56 30 CFR 57 30 CFR 77	NPRM 55 FR 46400 11/2/90 Comment period extended 55 FR 53314 12/28/90	MSHA proposes to establish a hazard communication standard that would require mine operators to assess the hazards of chemicals they produce or use and provide information to their employees concerning chemical hazards by means of a written hazard communication program, labeling of containers, MSDS sheets, and training programs.	Comments by 4/5/91.
<b>HISTORIC SITES ACT OF 1935</b>				
410-004	National Natural Landmarks - Designation of Geological and Ecological Natural Areas 36 CFR 62	ANPRM 55 FR 43384 10/29/90	The National Park Service intends to amend its regulations governing the identification, notification, evaluation, nomination, and designation of geological and ecological natural areas as National Natural Landmarks (NNLs) to ensure that landowners are fully notified and provided full program disclosure and an understanding of the consequences of NNL designation before agreeing to it.	Comments at any time. NPRM undetermined.
<b>BIOTECHNOLOGY</b>				
110-005	Microbial Products 40 CFR 704 40 CFR 720 40 CFR 721	Planned NPRM 55 FR 45151 10/29/90	EPA is proposing to amend its definition of "small quantities solely for research and development" and to amend reporting requirements for persons who are using microorganisms. EPA will establish a special notification mechanism for experimental releases of microorganisms. EPA also is proposing significant new use notification requirements under TSCA Sect. 5(a)(2).	NPRM 2/91.

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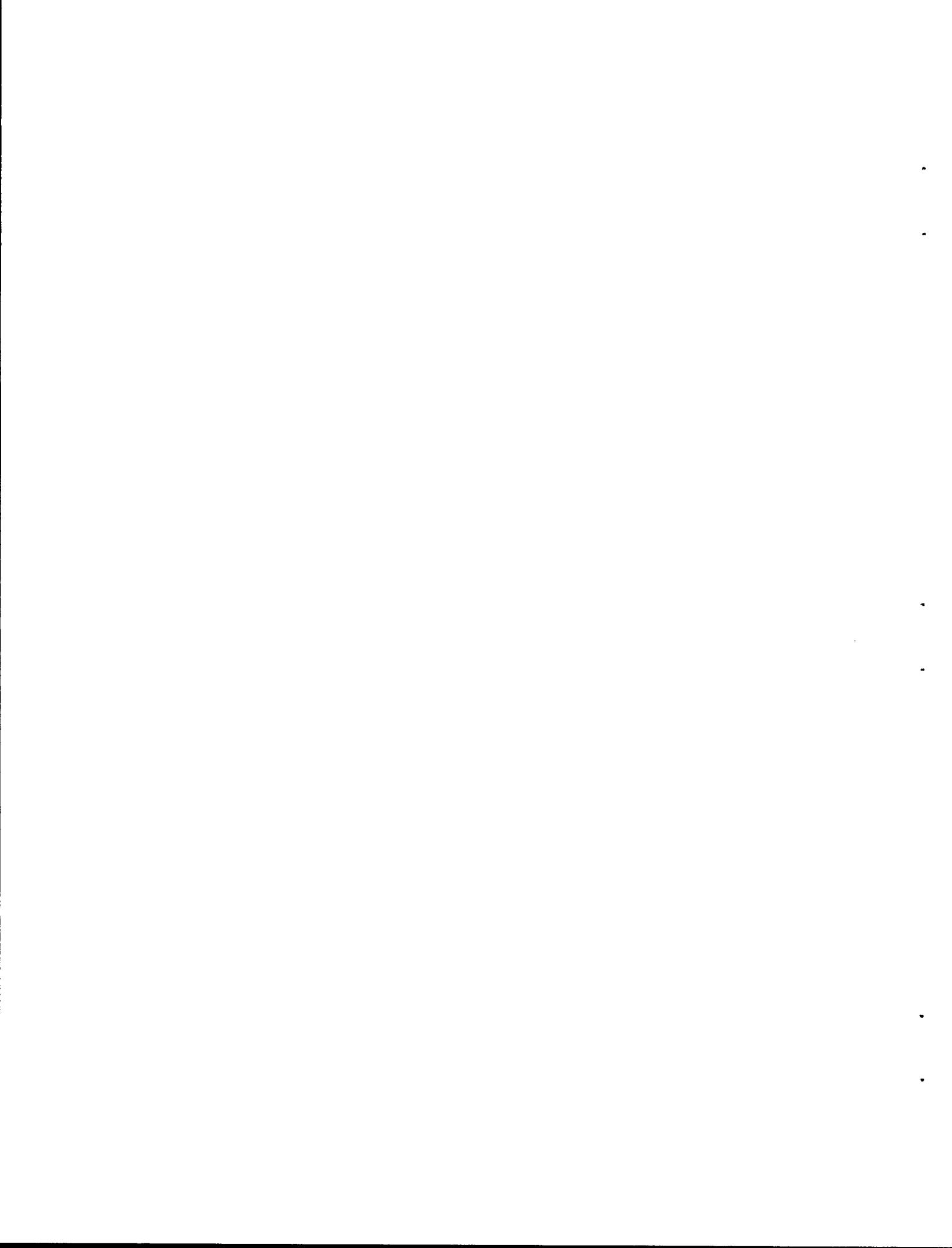
RU NO.	REQUIREMENT	STATUS (a)	ANTICIPATED CHANGES	SCHEDULED ACTION
<b>COASTAL ZONE MANAGEMENT ACT</b>				
160-002	National Estuarine Reserve Research System 15 CFR 921	NPRM 53 FR 43816 10/28/88 Interim final rule 55 FR 29940 7/23/90 Regulatory Agenda 55 FR 44345 10/29/90	NOAA revises the process for designation of research reserves to place greater emphasis using the reserves to address research and management issues and to provide financial assistance to states to enhance public awareness and education about estuarine areas. The regulations provide new guidance for delineating reserve boundaries, new procedures for the acquisition of land, and criteria for withdrawing the designation of a reserve.	Interim final rule effective 7/23/90. Reproposed NPRM 5/91, final rule 10/91.
<b>OTHER</b>				
805-023	Assessing Female Reproductive Risk	Proposed guidelines 53 FR 24834 6/30/88	EPA proposes guidelines for assessing the female reproductive risk of environmental pollutants. The guidelines are intended to guide Agency analysis of data on female reproductive toxicants according to appropriate scientific standards.	Final guidelines 5/91.
805-024	Assessing Male Reproductive Risk	Proposed guidelines 53 FR 24850 6/30/88	EPA proposes guidelines for assessing the male reproductive risk of environmental pollutants. The guidelines are intended to guide Agency analysis of data on male reproductive toxicants according to appropriate scientific standards.	Final guidelines 5/91.
*805-028	Risk Assessment Guidelines for Exposure-Related Measurements	Proposed guidelines 53 FR 48830 12/2/88 Corrections 54 FR 4942 1/31/89	EPA proposes risk assessment guidelines for exposure-related measurements to assist those who must recommend, conduct, or evaluate an exposure assessment.	<u>Final guidelines 3/91.</u>

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805-037	Protection of Essential Resources and Facilities 44 CFR 335	NPRM 54 FR 32359 8/7/89 Regulatory Agenda 55 FR 45226 10/29/90	FEMA proposes to add a new Part 335 to 44 CFR which would cover federal agencies' responsibilities in assessing vulnerability and protecting essential resources and facilities, including those needed for defense.	Final rule 4/91.
<b>805-041</b>	Task Force on Wetlands - No Net Loss Strategy	Notice 55 FR 30279 7/25/90	The Domestic Policy Council's Task Force on Wetlands requests comments on strategies for attaining "no net loss" of wetlands. DOE is represented on the Council.	Series of policy recommendations (regulations or executive orders) planned. First initiative Spring 1991.

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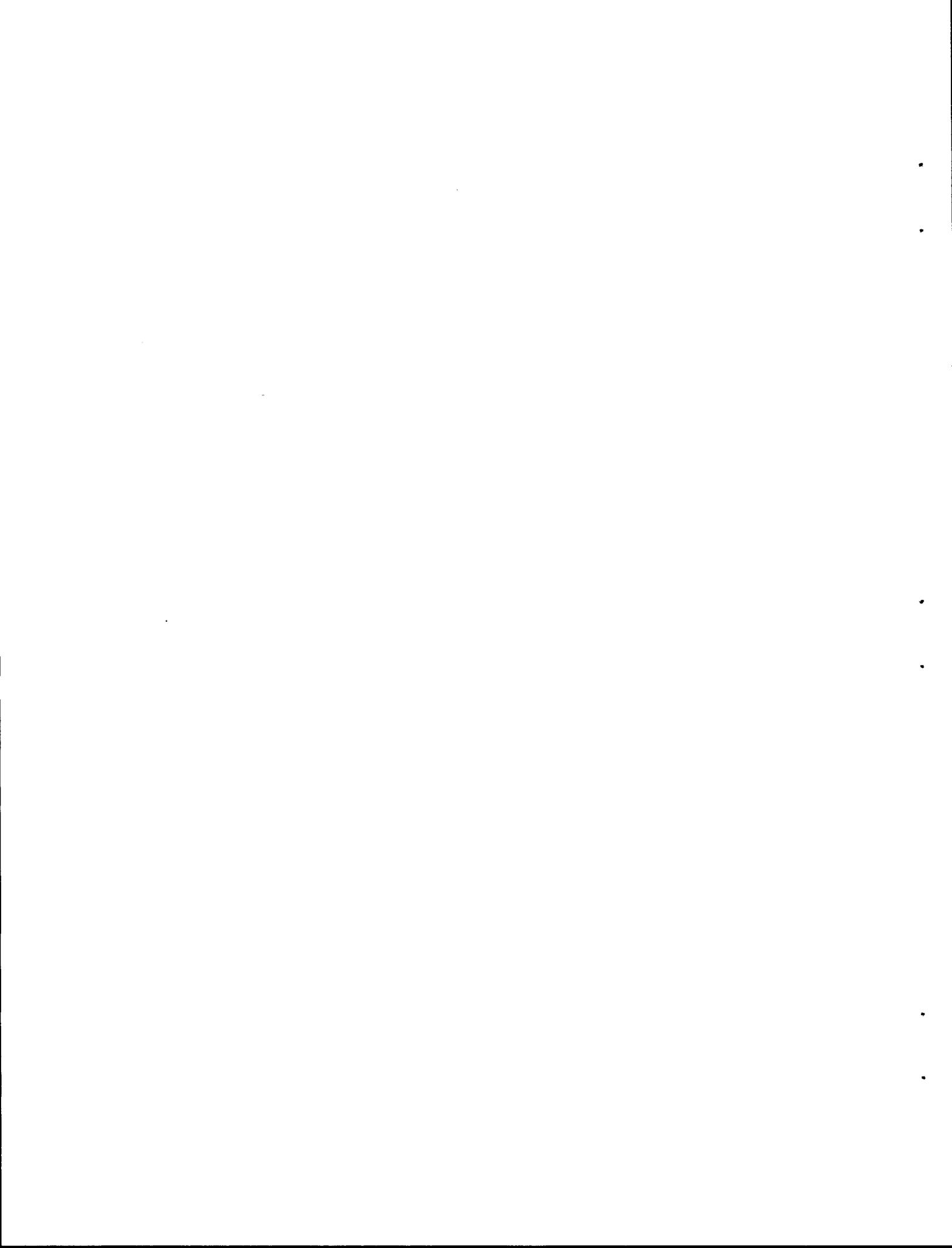
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