

LEPC Information Exchange Update

The Electronic Newsletter for Local Emergency Planning Committees (LEPCs),
State and Tribal Emergency Response Commissions (SERCs and TERCs), and Emergency Responders

Editor: Ruth Ellen Schelhaus

August 19, 2002

Hello!

I'm sorry it's been awhile since the last Update. My day job has been keeping me very busy. My home has also needed my attention this summer.

Please see the article below titled "**September 2002 is "Weather Radio Awareness Month**". Maybe this is something that LEPCs, SERCs, TERCs, emergency responders, and/or other Federal agencies may want to join in with or support for this September. We all know that the public's and the media's thoughts will be focused on the one year anniversary of 9-11. This preparedness campaign may be an opportune moment and/or opportune way to try to educate on preparedness and help lower the anxiety of some people as they can focus on ways they can help themselves.

I also would like to note that the current Senate bill on establishing a Homeland Security Department contains a section (Section 154 of Division A, Title 1, Subtitle C) designating a **National Emergency Preparedness Week**, occurring each week that that includes 9/11. The language requests the President "to issue a proclamation calling on the people of the U.S. (including State and local governments and the private sector) to observe the week with appropriate activities and programs." The language also states that Federal agencies, in conjunction with National Emergency Preparedness Week, shall "educate the private sector and the general public about emergency preparedness activities, resources, and tools."

Sincerely,

Ruth Ellen Schelhaus
LEPC Information Exchange

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The LEPC Information Exchange would like to express its sadness in the passing of Jim Makris on August 16, 2002 (related to a head injury he incurred from a fall at his home the week of August 8th). Earlier this year, Jim Makris had retired from EPA as Director of the Chemical Emergency Preparedness and Prevention Office. As part of his EPA responsibilities, Jim Makris had also been co-chair of the National Response Team.

September 2002 is "Weather Radio Awareness Month"

While, at least it is for the State of Washington.

As part of its outreach to the public, the Washington State Emergency Management Division (WSEM), in partnership with the National Weather Service/National Oceanic and Atmospheric Administration (NOAA) are promoting September 2002 as Weather Radio Awareness Month.

The flyer that announced the awareness month specifically states: "[The] NOAA Weather Radio is an "all-hazards" warning system used not only for flood and weather-related events, but also for hazards like tsunamis, volcanic activity and hazardous releases."

Washington State Emergency Management has developed a website about the awareness month:
<http://www.wa.gov/wsem/5-ppt/trng/pubed/02-campaign/posters-etc/02-cmpn-noaa-wx-radio.htm>.

LEPC NEWS, ACTIVITIES, RESOURCES, ETC.

An LEPC website that's starts out slightly unlike most other LEPC websites

Nueces Co., City of Corpus Christi, Kleberg Co, and San Patricio Co LEPC [TX] website -- "Be Prepared"
<http://www.cclepc.org>

LEPC Brochures online:
 (a few examples)

Franklin Co. LEPC [WA]
<http://www.franklinem.org/lepc/lepcbros.doc>
 see: <http://www.franklinem.org/lepc/lepc.html>

Albuquerque/Bernalillo Co. LEPC [NM]
<http://www.lepcabqbernco.org/pdf/Brochure.pdf>
 see: <http://www.lepcabqbernco.org>

Jefferson Co. LEPC's [CO]
"School Chemical Safety" webpage

<http://www.gcglc.com/Schools/ChemicalSafety.html>
 see: <http://www.gcglc.com/LEPC.htm>

LEPC webpage linking to its State's Hazardous Substance Emergency Events Surveillance (HSEES) Program website

Wake Co. LEPC [NC] website links to NC's HSEES Program
<http://www.wake.state.nc.us/lepc>
 link -- <http://www.schs.state.nc.us/epi/oii/hsees.cfm>

Press release about a donation made to a LEPC

Fayette Co. LEPC and Resource Council [GA]
<http://www.admin.co.fayette.ga.us/lepc/press-rel2.htm>
 see: <http://www.admin.co.fayette.ga.us/lepc>

LEPCs having email groups or email listserves:
 (a few examples)

North Central Florida LEPC [FL]
<http://www.ncflepc.org>

Muskogee Co. LEPC [OK]
<http://www.intellex.com/~mccem/default.htm>

"LEPC Compliance Policies"

Lucas Co LEPC [OH] has "LEPC Compliance Policies"
<http://www.lucascountylepc.org>

- Policy 1001, *Lucas County Compliance Guide For Hazardous Materials: ENFORCEMENT OF SARA, TITLE III SECTIONS 302, 311, 312 AND Ohio Revised Code 3750*
<http://www.lucascountylepc.org/policy1001.pdf>
 (22 pages)

- Policy 1002, *Plan for Reimbursement of Costs, Lucas County Plan for Reimbursements of Costs Associated with Response to Hazardous Materials Emergencies: ENFORCEMENT OF Ohio Revised Code 3745.13*
<http://www.lucascountylepc.org/policy1002.pdf>
 (5 pages)

LEPC Booth at Alaska State Fair

According to the **Matanuska-Susitna Borough LEPC's [AK]** news page, the LEPC has a Mat-Su LEPC booth at the Alaska State Fair.
<http://www.matsulepc.org/news.html>
 see: <http://www.matsulepc.org>

[Editor's Question: How many other states have state fairs? How many LEPCs had ever had a booth either by themselves or together with other LEPCs in the state at their State Fairs?? County Fairs??]

Annual LEPC "Exercise Reports"

Montgomery/Greene Co. Local Emergency Response Council [OH]
<http://www.mgclerc.org/exercise.html>
 see: <http://www.mgclerc.org>

Volunteerism/CERT Volunteer Information Page

Muskogee Co. LEPC [OK]
<http://www.intellex.com/~mccem/id67.htm>
 see: <http://www.intellex.com/~mccem/default.htm>

ALSO HAS A WEBPAGE FOR FIRE DEPTS./EMER. RESPONDERS!

NOAA Radios

Region 5/6 Office of Emergency Mgt. in NE (there are 3 LEPCs in Region 5/6) has a webpage indicating that they are selling NOAA radios at a special reduced cost -- coupon on webpage.
<http://www.huntel.net/region5-6/NOAA.htm>

LEPC Newsletter:

CEPAC's "Newsbreak" April 2002 issue
<http://www.cepac.org/outreachprojects/newsrapr02.pdf>

available at:
<http://www.cepac.org/outreachprojects/main.html>

[Editor's Note: One item in the April issue is a Table titled "**Chemical Report Requests.**" This table lists six types of groups who requested EPCRA information from CEPAC for a certain timeframe. The breakdown results appear to be typical for what some LEPCs and states/SERCs (at least according to what some LEPCs and states/SERCs have indicated to the LEPC Information Exchange). Most all of the requests were from environmental consultants/related to environmental audits. **This should actually be no surprise because knowing about hazardous chemical use in necessary in order to meet the due diligence requirements of Comprehensive Emergency Response and Compensation Liability Act (CERCLA) [also known as Superfund].** A potential buyer of a property (or his representative) can not NOT ask for hazardous chemical use information regarding a property/facility/company because of potential liability under CERCLA if they do not meet due diligence requirements. [One cannot afford to test a property for every chemical.] Requests from environmental consultants and others may also originate because of environmental compliance audits.]

**FROM THE NEVADA DEM
WEBSITE:**

***"Funding distribution for
Homeland Security to local
jurisdictions is done through the
LEPCs"***

[<http://dem.state.nv.us/homelandsecurity.htm>]

Hazardous Materials Awareness Weeks:

Nebraska sponsored a "Hazardous Materials Awareness Week" on March 25 - March 29, 2002. The **Sarpy Co. LEPC [NE]** website (under "News") announced the awareness week.
<http://www.sarpy.com/ema/lepc-n.htm>
 see: <http://www.sarpy.com/ema/lepc.htm>

-- **Sarpy Co. LEPC** also has posted an electronic version of a TV public service announcement-- the **NE SERC's Shelter in Place public service announcement.** The video is 30 seconds in length and is 7.22 megs. in size. [MPG file]
http://www.sarpy.com/ema/serc_psa.mpg

Florida held its annual "Hazardous Materials Awareness Week" on February 24 - March 2, 2002. **Central Florida LEPC (District 7)** has information about the week.
http://www.cfrpc.org/lepc/hazardous_materials_awareness_week.html
 see: <http://www.cfrpc.org/lepc/prlepc.html>

The **North Central Florida LEPC** website provides information a lot of information on the 2001 "Hazardous Materials Spill Prevention Week"
<http://www.ncflepc.org/spillwk.htm>
 see: <http://www.ncflepc.org>

Bucks Co. LEPC [PA] held a "Community Chemical Awareness Day" at a local mall on February 2, 2002. See photos from the day.
<http://www.buckslepc.com/photogallery.htm>
 see: <http://www.buckslepc.com>

LEPC Sponsored Workshops/Conferences

Berk's Co. LEPC [PA] held a workshop in May 2002 titled "Chem/Bio Terrorism: Good Science or Science Fiction" See their June 2002 Meeting Minutes.
<http://www.bclepc.org/MINUTES0602.pdf>
 see: <http://www.bclepc.org>

--Berk's Co. LEPC will also have an **LEPC booth at a Safety Awareness Day 2002** at a local mall in September 2002.

Wake Co. LEPC [NC] holds an annual conference title "BEST Conference"
 see: <http://www.wake.state.nc.us/lepc>

**The New England Region's 1st LEPC Conference
"Nuts & Bolts Presentation Available on an LEPC
website**

[Editor's Note: The conference was supposed to be held last fall but got postponed and was held in May 2002.]

Waltham LEPC [MA] (under "News" at lefthand site)

http://www.walthamlepc.org/news/LEPCConfNuts&Bolts_files/frame.htm
see: <http://www.walthamlepc.org>

** Editor's Note: Website either did not like Netscape or the version of Netscape I was using recently.

"LEPC Hawaiian Luau"

Erie Co. LEPC [NY] held a "LEPC Hawaiian Luau" on July 10, 2002! (invite is on website; contact them for more info)
<http://www.eric.gov/depts/lepc>

**Realistic Approaches to Rural and Frontier
Hazardous Materials Risk Management**
(PDF document)

<http://www.discoveringmontana.com/DMA/des/Library/Frontier-HazMat.pdf>

available at:

<http://www.discoveringmontana.com/DMA/des/Library.htm>

**"Are You Ready? (for a chemical event at Anniston
Army Depot, AL)**
Preparedness website regarding one of the "chemical
stockpile" sites (CSEPP)

<http://www.areyoureadygoema.com>

NEW NASTTPO LISTSERVE

The National Association of SARA Title III Program Officials (NASTTPO) started a new listserve or "email group" in May 2002. The listserve/email group is on Yahoo Groups and is being overseen by Lloyd Bokman, NASTTPO's website master.

All one has to do to sign up for the listserve/email group is to go to the NASTTPO website (<http://www.nasttpo.org>) and follow the directions provided there. However, one does not have to be a member of NASTTPO to join the listserve/email group. One is also welcome to become a NASTTPO member! Information about becoming a NASTTPO member is also available on the NASTTPO website.

PUBLIC LAW CONTAINING THE TERM "LOCAL EMERGENCY PLANNING COMMITTEES":

Community Water Systems, Emergency Response Plans, LEPCs, and *Public Health Security and Bioterrorism Preparedness and Response Act of 2002* (Public Law 107-188, signed 6/12/02)

Section 402 of Title IV--Drinking Water Security and Safety of the *Public Health Security and Bioterrorism Preparedness and Response Act of 2002* amended the Safe Drinking Water Act by specifically inserting a new section 1433. Under section 1433(b), each community water system serving a population greater than 3,300 shall prepare or revise, where necessary, an emergency response plan that incorporates the results of vulnerability assessments that have been completed. Section 1433(b) of the Safe Drinking Water Act also states: "Community water systems shall, to the extent possible, coordinate with existing Local Emergency Planning Committees established under the Emergency Planning and Community Right-to-Know Act (42 U.S.C. 11001, et seq.) when preparing or revising an emergency response plan under this subsection.

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However, going by the schedule in the law regarding when community water supplies must certify to EPA that a vulnerability assessment has been conducted and the fact that the development or revision of a water supply's emergency response plan isn't required to be done until the vulnerability assessment is completed, contacts with LEPCs may not occur for a while (at least pursuant to this specific requirement). The certification schedule for the vulnerability assessments is:

- prior to 3/31/03, in the case of systems serving a population of 100,000 or more;
- prior to 12/31/03, in the case of systems serving a population of 50,000 or more but less than 100,000; and
- prior to 6/30/04, in the case of systems serving a population of greater than 3,300 but less than 50,000.

Regarding community water systems serving a population of less than 3,300, under new section 1433(d) of the Safe Drinking Water Act, EPA is required to provide guidance on how to conduct vulnerability assessments, how to prepare emergency response plans, and how to address "threats from terrorist attacks or other intentional actions designed to disrupt the provision of safe drinking water or significantly affect the public health or significantly affect the safety or supply of drinking water provided to communities and individuals."

**MORE ON THE
PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002
(PUBLIC LAW 107-188)**

*** REGISTRATION OF BIOLOGICAL AGENTS AND TOXINS & COMMUNICATION ABOUT CERTAIN BIO
RELEASE INCIDENTS ***

The *Public Health Security and Bioterrorism Preparedness and Response Act of 2002* (Act) also contains requirements for registration of biological agents and toxins and communication about certain biological agent release incidents. The requirements are located in **Title II of the Act** titled "Enhancing Controls on Dangerous Biological Agents and Toxins," specifically **Subtitle A--Department of Health and Human Services** and **Subtitle B--Department of Agriculture** (Subtitle B may also be cited as the *Agricultural Bioterrorism Protection Act of 2002*). The Federal government has published registration procedures and form to be used in the Federal Register. Checking out the *From the Federal Register's* "Releases; Reporting; Sampling" section of this newsletter (page 14). This registration will establish a comprehensive and detailed national database of the location and characterization of such agents.

Subtitle A also requires the Secretary of the Department of Health and Human Services to promulgate regulations establishing safety requirements for the possession, use, and transfer of select agents. These regulations must include procedures to protect the public safety in the event the safety requirements for possession, use, or transfer are violated.

Further, Subtitle A, section 201 also contains a "nondisclosure of certain information" [subsection (h)(1)] and a "Notification in Event of Release" [subsection (j)].

Subtitle B added new Department of Agriculture regulatory authority comparable to that given the Department of Health and Human Services in subtitle A. It also has many similar requirements as Subtitle A (registration, national database, nondisclosure of certain information, notification in event of release, etc.).

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*** DESIGNATED STATE PUBLIC EMERGENCY ANNOUNCEMENT PLAN**

The *Public Health Security and Bioterrorism Preparedness and Response Act of 2002* also amended the Robert T. Stafford Disaster Relief And Emergency Assistance Act (42 U.S.C. 5121, et seq.). Specifically, section 151 ("Designated State Public Emergency Announcement Plan.") of the new law added the following requirement for plans developed by states in order for the states to receive Federal financial contributions for personnel and administrative expenses pursuant to section 613(b): "include a plan for providing information to the public in a coordinated manner."

Section 151 specifically states:

Section 613(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(6) is amended--

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(7) include a plan for providing information to the public in a coordinated manner."

Below is the amendment juxtaposed into the existing Stafford Act -- Section 613(b) (42 U.S.C. 5196(b)):

{Section 613} 5196b. Contributions for personnel and administrative expenses

(a) General authority

To further assist in carrying out the purposes of this subchapter, the Director may make financial contributions to the States (including interstate emergency preparedness authorities established pursuant to section 5196(h) of this title) for necessary and essential State and local emergency preparedness personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the Federal emergency response plans for emergency preparedness) for the emergency preparedness of the States. The financial contributions to the States under this section may not exceed one-half of the total cost of such necessary and essential State and local emergency preparedness personnel and administrative expenses.

(b) Plan requirements

A plan submitted under this section shall--

(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them and be administered or supervised by a single State agency;

(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

(3) provide for the development of State and local emergency preparedness operational plans, pursuant to standards approved by the Director;

(4) provide for the employment of a full-time emergency preparedness director, or deputy director, by the State;

(5) provide that the State shall make such reports in such form and content as the Director may require; **and**

(6) make available to duly authorized representatives of the Director and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section; **and**

(7) include a plan for providing information to the public in a coordinated manner.

ALL HAZARDS DISASTER PREPAREDNESS MONTH OUTREACH

[Editor's Note: The LEPC Information Exchange found this Washington State outreach activity on the Internet. The LEPC Information Exchange also evaluated a hard copy package of the outreach activity. The outreach seems to be a helpful and good example of what can be done and made available in various mediums (i.e., hard copies and electronic versions, magnets, handbooks).]

In January 2002, Washington State declared April 2002 as "Washington State Disaster Preparedness Month." To support this activity, Washington State Emergency Management developed a whole packet of outreach items (both hard copy and electronic). Outreach items include:

- + **PROCLAMATION** declaring April 2002 as Washington State Disaster Preparedness Month (signed by Governor on 1/9/02)
- + **QUICK REFERENCE MAGNETS** for Home and Business: "Shelter In Place" and "Drop, Cover & Hold"
- + Emergency Information **WALLET CARD**
- + Handout about **STATEWIDE EARTHQUAKE DRILL** (held 4/18/02, between 9:45 a.m. - 10:00 a.m.)
- + Handout on "**DROP, COVER AND HOLD DRILL**" (A how-to & tips)
- + Handout titled "**WEATHER RADIO AWARENESS MONTH**" (September 2002)
- + Handout titled "**TERRORISM**" (what Americans should do)
- + Handout titled "**IS THERE A METH LAB COOKING IN YOUR NEIGHBORHOOD OR ON YOUR PROPERTY?**"
- + Booklet titled "**DISASTER PREPAREDNESS HANDBOOK**" (a planning and response guide for natural and hazardous materials accidents) [includes: "Disaster Tips for People With Medical Needs" "Disaster Tips for People With Visual Disabilities" "Power Outages" "Disaster Tips for People With Mobility Disabilities" "Disaster Tips for the Hearing Impaired" "Helping Your Child After a Disaster"]
- + Booklet titled "**HOW THE SMART FAMILY SURVIVED A TSUNAMI**"
- + Booklet titled "**THE VOLCANIC ADVENTURES OF TERRY THE TURTLE AND GRACIES THE WONDER DOG**"
- + **Poster** titled "**DISASTERS HAPPEN**"

See <http://www.wa.gov/wsem> for electronic versions of a variety of the above handouts. One can also contact Barbara Everette Thurman, Disaster Preparedness Month Coordinator, if you have questions or would like a copy of the packet.

It should also be noted that the pages in the "Disaster Preparedness Handbook" were constructed such that each topic was on a single 8 ½ by 11 paper so that each page could be used as a single handout. Further, the back of the booklet states: "Developed for home, businesses, and community groups, these pages may be reproduced for broad distribution."

[Editor's Note #2: The non-copyright statement above is a hallmark for outreach materials for LEPCs, SERCs, TERCs, emergency responders, teachers, etc. as it allows these entities/persons to make use of materials at little or low cost, which is a necessity for most of those persons/entities.]

SOME RECENT DOCUMENTS

- **Chemical Emergency Preparedness and Prevention in Indian Country**, August 2002, EPA 550-F-01-012, a factsheet by EPA's Chemical Emergency Preparedness and Prevention Office (CEPPO) [PDF] [<http://www.epa.gov/ceppo/whatnew.html>]

- **National Strategy for Homeland Security**, July 2002, by the Office of Homeland Security [<http://www.whitehouse.gov/homeland/book/index.html>] [Editor's Note: Ridge was quoted in one or more articles that the document is NOT a consensus document.]

- **CHEMICAL SAFETY: Emergency Response Community Views on the Adequacy of Federally Required Chemical Information**, July 2002, GAO-02-799, by the General Accounting Office (GAO) [<http://www.gao.gov>]

In 8/99, the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act was signed into law. One of its requirements was that GAO report, within 3 years, on the adequacy of chemical information required to be submitted to local emergency response personnel to help them respond to chemical incidents, the adequacy of that information, and the level of compliance with the requirement to submit the information. This GAO report is meant to fulfill this statutory requirement.

The report views were obtained from interviewing "51 local emergency responders (emergency planners and fire fighters) from 10 out of 8,000 communities that have at least one chemical facility that registered a risk management plan" and interviews of representatives from 11 national organizations, including FEMA. The 10 cities were: Phoenix, AZ; El Dorado, AK; Shasta Lake, CA; Orlando, FL; Brownstown, IN; Holloman Air Force Base in Alamogordo, NM; Buffalo, NY; Morrisville, PA; Houston, TX; and Wendover, UT. The national organizations whose representative provided opinions included: International Assoc. of Fire Chiefs; International Assoc. of Fire Fighters; International Fire Marshals Assoc.; National Assoc. of Emer. Medical Technicians; National Assoc. of State Fire Marshals; National Emer. Mgt. Association; National Volunteer Fire Council; American Chemistry Council; The Chlorine Institute; FEMA; and National Governors Assoc. Representatives from another five organizations either did not have a national perspective on these issues or did not respond to GAO inquiries: International Assoc. of Emer. Managers; International Institute of Ammonia Refrigeration; National Association of SARA Title III Program Officials; and Synthetic Organic Chemical Manufacturing Assoc.

ARTICLES, PRESS RELEASES, ETC.

- *Washington Post*, page 1, dated 8/6/02, **Government Is Slow to Offer Safety Plans; Local, National Offices Have Yet to Disclose Advice People Could Use in a Terrorist Attack**

- AP, 8/14/02, **MO Residents Flee Chlorine Leak**
In Crystal City, MO -- "Chlorine leaking from a train car outside a chemical plant forced the evacuation of hundreds of people in a nearby community Wednesday [8/14/02] and temporarily shut down two highways." The article goes on to state that "at least 50 people complained of breathing problems, and 28 people were taken to hospitals. . . ."

- Govexec.com, 8/6/02, **FEMA Seeks National Strategy for Funding First Responders** [<http://www.govexec.com>]

- The Wall Street Journal, 8/13/02, **States Mend Security Blanket Amid a Disconnect With D.C.**

- St. Petersburg Times [FL], 8/6/02, **Port's Security Agenda Studied**

The article notes that Hillsborough County Commission Chairwoman Pat Frank "testified that the situation at the Port of Tampa was particularly alarming. She highlighted a 1995 study by the Local Emergency Planning Committee showing that 200,000 people live within a 10-mile vulnerability zone if C.F. Industries' anhydrous ammonia storage tank at Hooker Point explodes."

- International Association of Fire Chiefs (IAFC) Press Release dated 7/02, **IAFC Issues Recommendation for September 11 Remembrance** [<http://www.iafc.org>]

- International Association of Fire Chiefs (IAFC) Press Release dated 8/2/02, **IAFC Issues Updated Anthrax Assessment Recommendation, Advises Following Original CDC Guidelines**

[This press release was in response to an article in the *Washington Post* that the White House had issued a Memo warning that commercially available anthrax field tests may produce unreliable results in certain circumstances.]

**TOPOFF II is scheduled for
May 2003**

[Source: *Washington Post* article dated 8/6/02]

FROM THE FEDERAL REGISTER . . .

PERSONAL PROTECTION AND SAFETY / EMPLOYEE SAFETY & HEALTH / BIO

5/31/02, 67 FR 38127-38128

**PERSONAL PROTECTIVE EQUIPMENT;
RESPIRATOR PROTECTION; CHEMICAL,
BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR
AGENTS; NIOSH; SBCCOM; NIST
NOTICE**

The Centers for Disease Control and Prevention's National Institute for Occupational Safety and Health (NIOSH) held a meeting on 6/18 - 6/19/02 in Pittsburgh, Pennsylvania, regarding its **standards development efforts for full facepiece air-purifying respirators used to protect emergency response workers against chemical, biological, radiological, and nuclear (CBRN) agents**. The U.S. Army Soldier and Biological Chemical Command (SBCCOM) and the National Institute for Standards and Technology (NIST) also held a related meeting on 6/20/02 at the same location to discuss the development of chemical and biological personal protection equipment standards and guidelines (other than respirators). **NIOSH stated in the Federal Register notice that SBCCOM and NIST are the lead agencies associated with the development of standards for personal protective equipment, other than respirators against CBRN agents.**

Contacts: Jonathan Szalajda, (412) 386-6627 (NIOSH meeting); Elaine Stewart-Craig, (410) 436-2102 (for SBCCOM meeting)

5/8/02, 67 FR 30942

**DISEASES; CLASSIFICATION; CAUSE CODES
NOTICE
EFFECTIVE DATE: 10/1/02**

The Centers for Disease Control and Prevention's National Center for Health Statistics **announced that it has approved an expansion of the *External Cause Codes in the International Classification of Diseases, Ninth Revision, Clinical Modification (ICD-9-CM)***. The new codes include: fall from (nonmotorized) scooter; terrorism involving destruction of aircraft; terrorism involving fires, conflagration, and hot substances; terrorism involving nuclear weapons; terrorism involving biological weapons; terrorism involving chemical weapons; terrorism involving other means; terrorism, secondary effects; and late effect of injury due to terrorism. Guidelines for use of the new codes is available at <http://www.cdc.gov/nchs/icd9.htm>.

6/21/02, 67 FR 42268-42271

**PERSONAL PROTECTION; NIOSH
NOTICE**

The Centers for Disease Control and Prevention (CDC)'s **statement of organization, functions, and delegations was amended to establish the National Personal Protective Technology Laboratory** within the National Institute for Occupational Safety and Health (NIOSH)/CDC. The Laboratory will be located in Pittsburgh, Pennsylvania. Its functional statement is: (1) conducts work site surveillance of hazards for which protective technologies and equipment are used to protect workers, and studies patterns of personal protective technology (PPT) use; (2) conducts a variety of laboratory and field research relating to the development and evaluation of innovative personal protective technologies and equipment; researches and develops criteria, standards and guidelines relating to PPT performance, quality, reliability, and efficacy; (4) directs and carries out the NIOSH respirator approval program and related laboratory, field, quality, and records activities; (5) produces and disseminates research findings, technical information, training materials, performance criteria, and recommendations for using personal protective equipment to improve protection of workers; and (6) develops studies, and assesses the effectiveness of communications and training approaches and technologies relating to PPT.

7/26/02, 67 FR 48903-48905

**HHS; ORGANIZATIONAL STRUCTURE; PUBLIC
HEALTH EMERGENCY PREPAREDNESS
NOTICE**

The Department of Health and Human Services (HHS) amended its Statement of Organization, Functions, and Delegations of Authority **to reflect a reorganization of emergency preparedness functions**. Specifically, the reorganization: (1) **establishes a new "Office of the Assistant Secretary for Public Health Emergency Preparedness" (OASPHEP)**; (2) transfers the Office of Emergency Preparedness, Office of Public Health and Science to the new OASPHEP and renames the Office of Emergency Response; (3) transfers the Office of Public Health Preparedness from the Immediate Office of the Secretary to the new OASPHEP and renames it as the Office of BioDefense; and (4) moves the Secretary's Emergency Operations Center in the new OASPHEP.

5/21/02, 67 FR 35789

**EMERGENCIES; US FOREST SERVICE; WILDLAND
FIREFIGHTING; EMPLOYEE SAFETY
NOTICE
EFFECTIVE DATE: 5/21/02**

The Department of Agriculture's U.S. Forest Service issued two interim directives to provide internal administrative direction to guide its employees during wildland firefighting activities. **The first interim directive clarifies existing direction to ensure that the safety of firefighters, other personnel, and the public is always the first priority in fire suppression. The second directive clarifies and expands direction regarding emergency consultation under the Endangered Species Act.** The interim directive makes it clear that human safety is the highest priority for every emergency response action, and under no circumstances should an emergency response action be delayed in order to undertake an emergency Endangered Species Act consultation.

6/5/02, 67 FR 38643-38644

**BUILDING AND FIRE SAFETY; WORLD TRADE
CENTER DISASTER
NOTICE**

The National Institute of Standards and Technology (NIST) held a public meeting on 6/24/02 (rescheduled from 4/22/02) in New York City to **gather comments and suggestions related to the scope of NIST's pending building and fire safety investigation of the World Trade Center disaster.** A draft of the proposed NIST investigation plan is available at <http://wtc.nist.gov>. The recently completed report *World Trade Center Building Performance Study: Data Collection, Preliminary Observations, and Recommendations* is available at <http://www.fema.gov/library/wtcstudy.htm>. **The meeting was also Web cast and linked to the NIST homepage, <http://www.nist.gov>.**

8/6/02, 67 FR 50901

**HAZARD COMMUNICATION; INFORMATION
COLLECTION REQUEST
NOTICE**

**COMMENTS DUE: WITHIN 30 DAYS OF
PUBLICATION DATE**

The Department of Labor requested comments on the following Information Collection Request it submitted to the Office of Management and Budget:

- **Hazard Communication, 29 CFR 1910.1200; Parts 1915, 1917, 1918, 1926, and 1928.**

Contact: Darrin King, (202) 693-4129

6/6/02, 67 FR 38896-38903

**GOVERNMENTWIDE POLICY; MAIL MANAGEMENT;
AGENCY SECURITY PLANS; EMPLOYEE SAFETY
41 CFR 101-9 AND 102-192
INTERIM RULE
EFFECTIVE DATE: 6/6/02**

The General Services Administration (GSA) issued an interim rule which updates and clarifies Federal agency mail security requirements. This interim rule is based on a 5/29/01 proposed rule (66 FR 29067) and the health and safety, and communications concerns raised by the anthrax crisis. Appendix B to part 102-192, titled *Mail Center Security Plan*, contains, among other sections, an **Employee Safety section**, a **Communications section** and a **Training section**.

8/7/02, 67 FR 51272-51278

**PESTICIDES; EMERGENCY EXEMPTIONS
NOTICE**

EPA announced various emergency exemptions it granted or denied under the **Federal Insecticide, Fungicide, and Rodenticide Act** during the period from 4/1/02 to 6/30/02, to control unforeseen pest outbreaks. Under the Federal Departments and Agencies section of the notice, the following exemption was granted to the Department of Agriculture's Animal and Plant Health Inspector Service:

- On 4/9/02, **for the use of sodium carbonate, sodium hydroxide, or sodium hypochlorite** on various items including but not limited to aircraft surfaces, regulated garbage, laboratory buildings, biological safety cabinets, animal isolation rooms, necropsy suites, and ancillary equipment for the control of exotic animal disease pathogens in various locations throughout the U.S. These programs are expected to end on 6/21/05.

8/12/02, 67 FR 52491-52492

**HHS'S COUNCIL ON PUBLIC HEALTH
PREPAREDNESS
NOTICE OF MEETING**

The Department of Health and Human Services (HHS) announced that the Secretary's Council on Public Health Preparedness is meeting on 8/26-8/27/02 in Washington, DC. Agenda items may include: HHS bioterrorism preparedness and response programs, oversight of states' preparedness programs, lessons from the anthrax experience, the research and development agenda, development of new products (against terrorism), public health emergency response planning, and pre-epidemic vaccination plans.

Contact: Lily Engstrom, (202) 690-6750

7/25/02, 67 FR 48661-48662

**ANTINEOPLASTIC DRUG EXPOSURE;
EFFECTIVENESS OF GUIDELINES; INFORMATION
COLLECTION REQUEST**

Notice

CDC and the National Institute for Occupational Safety and Health (NIOSH) requested comments on the following Information Collection Request/project:

- **Antineoplastic Drug Exposure: Effectiveness of Guidelines (New Collection).**

Antineoplastic, chemotherapeutic, or cytostatic drugs are widely used in the treatment of cancer. These drugs possess mutagenic, teratogenic, and carcinogenic properties, cause organ damage, and affect reproductive function. OSHA developed guidelines for healthcare workers for the safe handling of antineoplastic drugs in 1986 and revised those guidelines again in 1995. However, recent studies suggest that the guidelines have not been effective in preventing exposure. A 1999 industrial hygiene evaluation of six cancer centers in the U.S. and Canada reported that 75% of the wipe test samples in the pharmacy were found to have detectable levels of antineoplastic drugs. Similar findings were reported in the Netherlands, which has similar guidelines. In addition healthcare workers may assume that gloves designed for bloodborne pathogen protection will also prevent drug exposure which is often not the case. See the notice for more information.

7/31/02, 67 FR 49695-49696

**WILD POLIOVIRUSES; INFORMATION COLLECTION
REQUEST**

Notice

CDC requested comments on the following Information Collection Request it submitted to the Office of Management and Budget:

- **National Survey for Laboratory Containment of Wild Polioviruses (New Collection).**

CDC is proposing a national survey of all biomedical laboratories that may possess wild poliovirus infectious or potential infectious materials. CDC stated that estimated that 15,000 biomedical laboratories will be included in the national survey.

JUNE, JULY & AUGUST 2002

**NATIONAL ENVIRONMENTAL PUBLIC HEALTH
TRACKING PROGRAMS
SEVERAL NOTICES**

CDC, in different grants announcement notices during July, described some of the project areas its National Environmental Public Health Tracking Program is focusing on: (A) Planning, capacity building, and developing or enhancing health effect, exposure, and/or hazard surveillance systems that can be integrated into a statewide public health tracking (surveillance) network; and (B) Developing a blueprint for environmental public health tracking, developing or enhancing exposure and/or health effect surveillance systems and conducting projects to (1) demonstrate feasibility, (2) develop surveillance methods, and (3) assess the utility of linking and reporting health effect data for the purpose of guiding appropriate public health action or practice.

CDC has a new environmental public health tracking website: <http://www.cdc.gov/nceh/tracking>.

In addition, the Agency for Toxic Substances and Disease Registry (ATSDR) announced jointly with CDC that they plan for future collaboration and coordination between the two agencies on the National Environmental Public Health Tracking Network. In June, ATSDR had announced proposal funding to conduct research on the potential impact of environmental exposures on chronic disease outcomes.

In another notice, CDC announced funding for a cooperative agreement program for Linkages of Acute Care and Emergency Health Services to State and Local Injury Prevention Programs. The purpose of the program is to support collaboration between national organizations of professionals in acute medical care, trauma, EMS with state and local injury prevention programs with CDC. "This cooperative agreement will facilitate the development of relationships that will be critical during routine operations of acute care, trauma, and EMS services, and in response to terrorism or disasters."

7/5/02, 67 FR 44809

**RICIN VACCINE
NOTICE**

The Department of Defense/U.S. Army announced the availability for licensing of a U.S. patent application entitled "Ricin Vaccine and Methods of Making and Using Thereof." From the notice, the Army has developed "methods of immunizing against, treating, and preventing ricin intoxication."

7/11/02, 67 FR 45959

**ACCIDENT AND INCIDENT REGISTRY
NOTICE**

The Department of Defense/U.S. Army announced the availability for licensing of a U.S. patent application entitled "Browser for an Accident and Incident Registry." "This invention relates to a system and method for accessing information and data related to medical information, and more particularly to a laser accident registry. The system includes a data structure that allows for easy access of information while maintaining a small overall sized database."

8/16/02, 67 FR 53587-53588

**AWARD OF FUNDS; JOHNS HOPKINS CENTER FOR
CIVILIAN BIODEFENSE STRATEGIES
NOTICE**

CDC announced that it awarded fiscal year 2002 funds for a grant program for Johns Hopkins Center for Civilian Biodefense Strategies (Center). The purpose of the program is to continue support for the Center in development of national medical and public health policies and structures to protect civilian population from bioterrorism.

8/16/02, 67 FR 53588

**AWARD OF FUNDS; UNIVERSITY OF LOUISVILLE
CENTER FOR DETERRENCE OF BIOWARFARE AND
BIOTERRORISM
NOTICE**

CDC announced that it awarded fiscal year 2002 funds for a grant program for University of Louisville, Center for Deterrence of Biowarfare and Bioterrorism (Center). The purpose of the program is to develop communication and epidemiological capabilities that will facilitate detection and response to bioterrorism in protection of public health, provide effective education for health care providers in defense against bioterrorism, and conduct research to deter bioterrorism through enhanced medical and public health response capabilities.

7/19/02, 67 FR 47550-47554

**MEDICAL RESERVE CORPS, CITIZEN CORPS
NOTICE
APPLICATIONS DUE BY: 8/23/02**

The Department of Health and Human Services (HHS) announced funding of a demonstration project to demonstrate approaches to establishment of community-based, citizen volunteer Medical Reserve Corps (MRC) units. The small grants are to facilitate start-up of MRC units and provide information to the Federal government that will provide insights into best practices in such areas as: (1) structure and organization, (2) recruitment and verification of credentials, (3) community-level partnership building, (4) competency levels for effective action, (5) training, (6) risk assessment, and (7) strategy development and planning.

In the notice, HHS also states that "the Federal government plans to support the development of MRC units by:

1. Developing and disseminating a guide, entitled "Medical Reserve Corps--A Guide for Local Officials," for communities that are planning to develop a MRC unit;
2. Establishing and maintaining a website where MRC core documents, training information, and a newsletter will be readily accessible;
3. Producing a monthly MRC newsletter which will inform MRC units and others of progress nationally on this initiative, best practices, shared experiences of MRC units, and meeting notices;
4. Providing, through one or more government contractors, short-term technical assistance to successful applicants and/or MRC units. Such technical assistance could include, for example, assistance with assessing training needs, development of training plans, assistance with planning and implementing drills (tabletop and/or field), development of supply and equipment acquisition plans, and development of operational plans;
5. Convening at least one meeting, in each of the HHS' ten regions in which MRC unit officials may participate in-person or via appropriate and available communication systems; and
6. Recommending evaluation approaches to MRC units."

RELEASES; REPORTING; SAMPLING

4/17/02, 67 FR 18899-18904

SUPERFUND; EPCRA; RELEASES; REPORTING REQUIREMENTS NOTICE

EPA issued guidance that discusses the definition “federally permitted release,” which is an exemption to reporting requirements under two Federal emergency response and public right-to-know laws: section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [also known as Superfund] and section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). The guidance does not impose new reporting requirements, but it **explains, via a question and answer format, various situations where an air release by a facility does and does not meet the definition of “federally permitted release.”** This guidance supercedes the Interim Guidance that was previously in effect.

4/23/02, 67 FR 19750-19752

RELEASES; REPORTING REQUIREMENTS NOTICE

EPA issued, as an appendix, guidance that discusses the definition “federally permitted release” as it applies to **grandfathered sources under the Clean Air Act (CAA)**. “Federally permitted release” is an exemption to reporting requirements under two Federal emergency response and public right-to-know laws: section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [also known as Superfund] and section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). The guidance does not impose new reporting requirements, but **explains that CAA grandfathered sources must make a case-by-case determination based on the specific applicable permit language or control requirements.**

7/9/02, 67 FR 45314-45357;
[67 FR 45440 (Proposed Rule)]

RELEASES; NOTIFICATION REQUIREMENTS 40 CFR 302 DIRECT FINAL RULE

**EFFECTIVE DATE: 9/9/02, without further notice,
unless adverse comments are received by 8/8/02**

EPA issued, via direct rulemaking, **revisions to reporting requirements of releases of hazardous substances regulations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Planning and Community Right-to-Know Act.** The revisions remove obsolete provisions; make changes due to statutory changes; correct typographical errors in the table of CERCLA hazardous substances; and remove redundant and unnecessary information.

Contact: Lynn Beasley, (703) 603-9086; RCRA, Superfund, & EPCRA Hotline, 1-800-424-9346 or (703) 412-9810

8/12/02, 67 FR 52481-52482

EPCRA SECTIONS 302, 303, AND 304; INFORMATION COLLECTION REQUEST (ICR) NOTICE COMMENTS DUE: 10/11/02

EPA requested comments on the following Information Collection Request:

- **Emergency Planning and Release Notification Requirements under EPCRA Sections 302, 303, and 304** (EPA ICR 1395.05)

Contact: Sicy Jacob, (202) 564-8019

8/16/02, 67 FR 53579-53580

CLEAN AIR ACT SECTION 112(R); INFORMATION COLLECTION REQUEST (ICR) NOTICE COMMENTS DUE: 9/16/02

EPA requested comments on the following Information Collection Request which has been forwarded to OMB:

- **Risk Management Program Requirements and Petitions to Modify the List of Regulated Substances under section 112(r) of the Clean Air Act** (EPA ICR 1656.09)

Contact: <http://www.epa.gov/icr>, Sicy Jacob, (202) 564-8019, or Susan Auby, (202) 566-1672

8/6/02, 67 FR 51057-51064

**INFECTIOUS AGENTS; PATHOGENS AND TOXINS;
NOTIFICATION; REPORTING
NOTICE**

The Centers for Disease Control and Prevention (CDC) announced the Office of Management and Budget's (OMB) approval of the following data collection:

- **Notification of Possession of Select Agents** (OMB # 0920-0561).

The form is to be used to meet two Public Health Security and Bioterrorism Preparedness and Response Act (Act) requirements: (1) all persons in possession of any "select agent" must notify the Secretary of the Department of Health and Human Services by 9/10/02; and (2) all persons in possession of any "high consequence livestock pathogen or toxin" must notify the Secretary of the U.S. Department of Agriculture by 10/8/02. CDC and the Animal and Plant Health Inspection Service have been designated by their respective Departments as the agencies responsible for providing guidance on the new notification requirements.

Contact: Anne O'Connor, CDC, (404) 498-1210

7/17/02, 67 FR 47041-47152

**FUEL STORAGE TANKS; SPILL PREVENTION;
CONTINGENCY PLANS
40 CFR 112
FINAL RULE
EFFECTIVE DATE: 8/16/02**

EPA amended the requirements for Spill Prevention, Control, and Countermeasures (SPCC) Plans and for Facility Response Plans (FRPs). The final rule includes, in part, new subparts outlining the requirements for various classes of oil; revises the applicability of the regulation; and amends the requirements for completing SPCC Plans. One of the burden reduction provisions raises the threshold for aboveground storage capacity by eliminating the provision that triggers the requirement to prepare and implement a SPCC if any single container has a capacity greater than 660 gallons. It does maintain the greater than 1,320 gallon threshold.

Contact: Hugo Paul Fleischman, (703) 603-8769

8/12/02, 67 FR 52383-52389

**INFECTIOUS AGENTS; PATHOGENS AND TOXINS;
ANIMAL AND PLANT HEALTH; NOTIFICATION;
REPORTING
7 CFR 331 AND 9 CFR 121
INTERIM FINAL RULE
EFFECTIVE DATE: 8/12/02
COMMENTS DUE: 10/11/02**

The Department of Agriculture's Animal and Plant Health Inspection Service issued an interim rule which establishes by regulation, an initial list of biological agents and toxins determined to have the potential to pose a severe threat to animal or plant health. This list is in accordance with the Agricultural Bioterrorism Act of 2002 (Act) [i.e., Subtitle B of the Public Health and Bioterrorism Preparedness and Response Act]. The Act requires that all persons in possession of any listed biological agent or toxin must, within 60 days of the publication of this interim rule, notify the Secretary of Agriculture of such possession. The interim rule, in addition to providing the initial list of biological agents and toxins, provides guidance on the manner in which the required notice is to be provided.

Contact: Dr. Arnold Tschanz (re: 7 CFR), (301) 734-8790 or Dr. Denise Spencer (re: 9 CFR), (301) 734-3277

5/8/02, 67 FR 30947-30948

**SUPERFUND; NATURAL RESOURCES DAMAGE
ASSESSMENT; RESTORATION; VA
NOTICE
COMMENTS WERE DUE ON 6/30/02.**

The U.S. Fish and Wildlife Service, on behalf of the Department of Interior (DOI), announced the availability of, and requested comments on, the Initial Restoration Compensation Determination Plan (RCDP) for the 8/27/98 Clinch River Chemical Spill in Tazewell County, Virginia. The RCDP describes the Natural Resources Trustee's (i.e., DOI) proposal to restore natural resources injured as a result of a release of hazardous substances (approximately 1,350 gallons of Octocure 554-revised, a rubber accelerant). This spill was likely the single largest take of Federally listed endangered species since the enactment of the Endangered Species Act. This spill destroyed one of the last two known remaining reproducing populations of the critically endangered tan riffleshell mussel.

6/20/02, 67 FR 41992-41993

**ENVIRONMENTAL SAMPLING; FIELD ANALYSES; ACCREDITATION
NOTICE**

EPA announced that it and the Florida Department of Environmental Protection are co-hosting the Eighth Annual Meeting of the **National Environmental Laboratory Accreditation Conference (NELAC)** on 7/9 - 7/12/02 in Tampa, Florida. **NELAC is expanding its scope to include accreditation standards for organizations performing sampling or conducting field analyses.** Specifically, NELAC proposes to establish consensus **uniform standards for environmental sampling and other field activities.** Draft standards are available on the conference website at <http://www.epa.gov/ttn/nelac>.

EPA

**6/18/02, 67 FR 41343-41348;
[67 FR 41363 (Proposed Rule)]**

**CIVIL PENALTIES; EPA REGULATIONS
40 CFR 19 AND 27**

DIRECT FINAL RULE

**EFFECTIVE DATE: 8/19/02, without further notice,
unless adverse comments are received by 7/18/02**

EPA issued, via direct final rulemaking, inflation adjustments to EPA's civil monetary penalties. The maximum amount of each type of civil monetary penalty for that EPA has jurisdiction to impose for violations of its requirements was adjusted by **13.6 percent**. For example, a current maximum civil monetary penalty of \$27,500 was increased by \$4,000 (with rounding off) to \$31,500 (the new maximum penalty amount). **A complete version of Table 1 from EPA's regulatory text, which lists all of EPA's civil monetary penalty authorities, is provided in the direct final rule.**

See Table below

5/9/02, 67 FR 31109

PRESIDENTIAL DOCUMENTS; EXECUTIVE ORDERS

On 5/6/02, President Bush issued an amendment to Executive Order (EO) 12958, **Classified National Security Information**. Specifically, President Bush designated the Administrator of EPA able to classify information as "Secret," pursuant to the provisions of section 1.4 of EO 12958. The EPA Administrator can delegate this authority to persons within EPA in accordance with section 1.4(c) of EO 12958.

**<<<< UPDATE ON ADJACENT DIRECT FINAL RULE
on "EPA's Civil Monetary Penalties.":**

On 8/19/02 (67 FR 53743), EPA withdrew the Direct Final Rule because of receiving adverse comments. EPA will address the comments when it finalizes the Proposed Rule published the same day as the Direct Final Rule.

TABLE 1 - LIST OF EPA'S CIVIL MONETARY PENALTY AUTHORITIES RELATIVE TO EPCRA

U.S. Code	Statute and Type of Violation	Maximum Penalty
42 U.S.C. 11045(a) & (b)(1), (2) & (3).	EPCRA CLASS I & II ADMINISTRATIVE AND CIVIL PENALTIES.	\$31,500
42 U.S.C. 11045(b)(2) & (3)...	EPCRA CLASS I & II ADMINISTRATIVE AND CIVIL PENALTIES--SUBSEQUENT VIOLATIONS.	\$92,500
42 U.S.C. 11045(c)(1).....	EPCRA CIVIL AND ADMINISTRATIVE REPORTING PENALTIES FOR VIOLATIONS OF SECTIONS 11022 OR 11023.	\$31,500
42 U.S.C. 11045(c)(2).....	EPCRA CIVIL AND ADMINISTRATIVE REPORTING PENALTIES FOR VIOLATIONS OF SECTIONS 11021 OR 11043(b).	\$12,000
42 U.S.C. 11045(d)(1).....	EPCRA--FRIVOLOUS TRADE SECRET CLAIMS--CIVIL AND ADMINISTRATIVE PENALTIES.	\$31,500

5/31/02, 67 FR 38102-38104

**EPA REGULATIONS; ELECTRONIC DOCKET
NOTICE**

EPA announced the availability of its new electronic public docket and online comment system for its regulations, "EPA Dockets," <http://www.epa.gov/edocket>. EPA stated that it is phasing in the electronic docket and comment system by various EPA office dockets, starting as of 5/31/02 and continuing past fall 2002. EPA also stated that it will provide online access to several legacy public dockets. Further, in 8/02, EPA will consolidate its numerous separate office docket facilities into a "combined Docket Facility" at EPA West, 1301 Constitution Avenue, Washington, DC. **However, EPA also stated that it is currently continuing to maintain its official docket in paper format.**

8/2/02, 67 FR 50429-50430

**EPA; EPA REGULATORY DOCKETS
NOTICE**

EPA announced the temporary closure and relocation of certain EPA regulatory dockets located in Washington, DC as it is consolidating the EPA Headquarters paper docket facilities into a combined docket facility to be known as the "EPA Docket Center." The new EPA Docket Center will be located in the basement of the EPA West Building at 1301 Constitution Avenue, NW, Washington, DC. The new Docket Center is expected to open starting 8/27/02, with hours of 8:30 a.m. to 4:30 p.m. The dockets affected are: (1) **OAR Docket** (supporting the Clean Air Act); (2) **OECA Docket** (supporting EPA's Office of Enforcement and Compliance Assistance); (3) **OEI Docket** (supporting the Toxic Release Inventory); (4) **OPPT Docket, Non-Confidential Information Center** (supporting the Toxic Substances Control Act); (5) **OSWER Docket and Information Center** (supporting the Resource Conservation and Recovery Act, the Comprehensive Environmental Compensation, and Liability Act, and the Oil Pollution Act); and (6) **OW Docket** (supporting the Clean Water Act and the Safe Drinking Water Act).

Contact: Patrick Grimm, (202) 566-1677

7/10/02; 67 FR 45727-45728

**ENVIRONMENTAL COMPLIANCE; EPCRA, CWA, CAA, & RCRA; BACKUP POWER GENERATION
NOTICE
COMMENTS WERE DUE: 8/9/02**

EPA announced that it entered into a proposed Consent Agreement with Dobson Cellular Systems, Inc. and American Cellular Corporation to resolve certain violations related to backup power generation, including: (1) the Clean Water Act (failed to prepare Spill Prevention Control and Countermeasures plans for four facilities); (2) the Emergency Planning and Community Right-to-Know Act (including, failed to file emergency planning notification with State Emergency Response Commission (SERC); failed to provide the name of an emergency contact to the Local Emergency Planning Committee (LEPC) for 11 facilities; and failed to provide list of chemicals to LEPC, SERC, and local fire departments for 23 facilities); and (3) the Clean Air Act (i.e., failed to obtain appropriate operating permits or exemptions at three facilities for their emergency generators).

Contact: Philip Milton, (202) 564-5029

HAZARDOUS CHEMICALS

5/31/02, 67 FR 38106-38113

ACUTE EXPOSURE GUIDELINE LEVELS NOTICE

EPA's National Advisory Committee for **Acute Exposure Guideline Levels for Hazardous Substances** (NAC/AEGL), which develops AEGLs on an ongoing basis to assist with Federal, state, and other organization needs for short term hazardous chemical exposure information, **solicited the submission of acute toxicology data or other pertinent information on a list of 371 priority chemicals.** [EPA Docket number: OPPTS-2002-0017.] **The notice noted that there are 137 chemicals on the list of 371 which are considered a higher priority and noted with an asterisk.** The notice also noted that an initial listing of 85 priority chemicals was published in the Federal Register on 5/21/97 (62 FR 27733).

Contact: Barbara Cunningham [general info], (202) 554-1404 or Paul Tobin [technical info], (202) 564-8557

7/1/02, 67 FR 44213-44216

EPCRA; INFORMATION COLLECTION REQUEST NOTICE COMMENTS DUE: 8/30/02

EPA requested comments on the following Information Collection Request:

- **Toxic Chemical Release Reporting, 40 CFR 372** (EPA ICR No. 1363.12). EPA docket number: OEI-10015.

Contact: Judith Kendall, (202) 566-0750

7/1/02, 67 FR 44197-44199

EPCRA; INFORMATION COLLECTION REQUEST NOTICE COMMENTS DUE: 8/30/02

EPA requested comments on the following Information Collection Request:

- **Toxic Chemical Release Reporting; Alternate Threshold for Low Annual Reportable Amounts** (EPA ICR No. 1704.06). EPA docket number: OEI-10016.

Contact: Judith Kendall, (202) 566-0750

6/3/02, 67 FR 38269-38270

ACUTE EXPOSURE GUIDELINES LEVELS NOTICE OF MEETING

The **National Advisory Committee for Acute Exposure Guideline Levels (AEGLs) for Hazardous Substances** (Committee) met on 6/17 - 6/19/02 at Rutgers University Environmental and Occupational Health Sciences Institute in Piscataway, New Jersey. The Committee was to address, as time permits, the various aspects of acute toxicity and the development of AEGLs for a variety of chemicals, including: **benzene**, **tetrachloroethylene** (also known as PCE), **toluene**, **diborane**, **chlorine**, **chlorine dioxide**, **hydrogen chloride**, **hydrogen sulfide**, and **phosgene**.

Contact: Barbara Cunningham, (202) 554-1404 or Paul Tobin, (202) 564-8557

8/9/02, 67 FR 51849-51850

HAZARDOUS CHEMICALS; ACUTE EXPOSURE GUIDELINES NOTICE OF MEETING

The **National Advisory Committee for Acute Exposure Guideline Levels (AEGLs) for Hazardous Substances** (Committee) will meet on 9/10 - 9/12/02 in Washington, DC (EPA-East Building). The Committee will address, as time permits, the various aspects of the AEGLs for the following chemicals: **benzene**, **carbon disulfide**, **1,4 dioxane**, **hydrogen bromide**, **methylene chloride**, **vinyl chloride**. In addition, the Committee will continue the review of **chlorine trifluoride and toluene**, as well as review comments from the National Academy of Sciences Subcommittee for AEGLs for the following chemicals: **allyl amine**, **boron trifluoride**, **chlorine**, **chlorine dioxide**, **chlorotrimethyl silane**, **G-Agents**; **HFE-7100**, **hydrogen sulfide**, **perchloromethyl mercaptan**, **2,4- and 2,6- toluene diisocyanate**, and **VX**.

Contact: Barbara Cunningham, (202) 544-1404 or Paul Tobin, (202) 564-8557

7/23/02, 67 FR 48177-48178

**HAZARDOUS CHEMICALS; PBTS; LEAD; ALKYL-LEAD
NOTICE**

EPA announced the finalization and availability of its **Alkyl-lead National Action Plan**. Alkyl-lead is **one of the 12 Level 1 priority persistent, bioaccumulative, and toxic (PBT) pollutants identified for the initial focus of action under EPA's Agency-wide Multimedia Strategy for PBT Pollutants (PBT Strategy)**. The goal of the PBT Strategy is to identify and reduce risks to public health and the environment from current and future exposure to priority PBT pollutants. **Alkyl-lead is used as a fuel additive in certain combustion engines, with the largest uses currently in aviation gasoline for general aviation aircraft and racing gasoline.** Under the final Alkyl-lead National Action Plan, actions will be through voluntary efforts because EPA states that authority to regulate aircraft fuel lies with the FAA and EPA does not have authority under the Clean Air Act to regulate the use of leaded gasoline for the racing industry. **The plan is available at <http://www.epa.gov/pbt>.**

Contact: Barbara Cunningham, (202) 554-1404 or Paul Matthai, (202) 564-8839

6/12/02, 67 FR 40329-40333

**HAZARDOUS CHEMICALS; TOXICOLOGY
NOTICE
COMMENTS DUE: 8/12/02**

The Public Health Service's National Toxicology Program (NTP) announced the **results of NTP's Interagency Committee for Chemical Evaluation and Coordination's (ICCEC) 4/17/02 study recommendations** regarding substances nominated to NTP for study. Some of the substances recommended for study by the ICCEC include: an organomercurial preservative in vaccines and other therapeutics; nitrogen trifluoride; sodium metasilicate; turpentine; and welding fume--gas arc welding with stainless steel electrode. Substances not recommended for study include: infrasound (low frequency sound ubiquitous in occupational and community settings); and magnesium oxide.

6/13/02, 67 FR 40734-40735

**HAZARDOUS CHEMICALS; PERSISTENT ORGANIC
POLLUTANTS; PBTS
NOTICE**

EPA announced the availability of a final technical report entitled ***The Foundation for Global Action on Persistent Organic Pollutants: A United States Perspective*** (EPA/600/P-01/003F, March 2002). The purpose of the report is to inform decision makers, general academia, and the public on the scientific foundation and relevance to the U.S. of the Stockholm Convention on persistent organic pollutants (POPs). The report is available under "What's New" or "Publications" at <http://www.epa.gov/ncea>. [Editor's Note: In the U.S., POPs are also referred to as being "persistent, bioaccumulative, and toxic" or PBTs.]

*-- For LEPCs which get involved with
Household Hazardous Waste --*

6/12/02, 67 FR 40507-40528

**HAZARDOUS WASTE; UNIVERSAL WASTES;
CATHODE RAY TUBES; MERCURY-CONTAINING
EQUIPMENT
40 CFR 260, 261, 264, 268, 270, AND 273
PROPOSED RULE
COMMENTS DUE: 8/12/02**

EPA is **proposing two changes to the Federal hazardous waste regulations to promote the safe recycling of cathode ray tubes (CRTs)** from computers and televisions **and the safe recycling of mercury-containing equipment**. Specifically, EPA is proposing: (1) to exclude used intact and broken CRTs from the definition of solid waste if they are recycled; and (2) to add used mercury-containing equipment to the Federal list of universal wastes.

Contact: RCRA/Superfund/EPCRA/UST Call Center, 1-800-424-9346 or (703) 412-9810; or Marilyn Goode, (703) 308-8800

HAZARDOUS MATERIALS TRANSPORTATION & DOT

DOT DOCKET URL where one can just plug in the docket #: <http://dms.dot.gov/search>

5/2/02, 67 FR 22028-22035

HAZARDOUS MATERIALS TRANSPORTATION
49 CFR 107, 171, 172, AND 177
 PROPOSED RULE
COMMENTS WERE DUE: 6/3/02
DOT Docket # 12064

5/23/02, 67 FR 36138-36139
Comment Period Extended
COMMENTS WERE DUE: 7/3/02

DOT's Research and Special Programs Administration is **proposing new requirements to enhance the security of hazardous materials transported in commerce**. Proposals include: (1) a requirement for motor carriers registered with DOT to maintain a copy of their current Hazmat Registration certificate on each motor vehicle; (2) **a requirement for shipping papers to include the name and address of the consignor and consignee, and the shipper's DOT Hazmat Registration number**, if applicable; (3) **a new subpart I** which includes a requirement for shippers and carrier of certain highly hazardous materials to develop and implement security plans; (4) new subpart I would also include **a general requirement for persons who offer hazardous materials for transportation** and person who transport hazardous materials in commerce **to have a written security plan**; and (5) **a requirement that training of each hazmat employee include a security component and that this training must be done within three months of issuance of a final rulemaking**.

7/16/02, 67 FR 46622-46624

HAZARDOUS MATERIALS TRANSPORTATION
49 CFR 177 AND 397
 ADVANCED NOTICE OF PROPOSED RULEMAKING
COMMENTS DUE: 10/15/02
DOT Docket # "11650"

DOT's Research and Special Programs Administration (RSPA) and Federal Motor Carrier Safety Administration (FMCSA) **issued an advanced notice of proposed rulemaking seeking comments on: (1) the feasibility of specific security enhancements, and (2) the potential costs and benefits of deploying such enhancements**. Security measures being considered include escorts, vehicle tracking and monitoring systems, emergency warning systems, remote shut-offs, direct short-range communications, and notification to state and local authorities. On 5/2/02, RSPA issued a proposed rule which contains several new requirements to enhance the security of hazardous materials transported in commerce by all modes (67 FR 22028). **RSPA and FMCSA are seeking information on the feasibility of imposing specific security requirements in addition to those proposed in the 5/2/02 proposed rule.**

Contact: Susan Gorsky, (202) 366-8553

7/23/02, 67 FR 48048-48049

DOT; TRANSPORTATION SECURITY ADMINISTRATION; RESPONSIBILITIES; TRANSPORTATION MODES
49 CFR 1502
 FINAL RULE
EFFECTIVE DATE: 7/17/02

DOT **codified the responsibilities of the Secretary of Transportation for Security**. The 1501.1(a) responsibilities section states: "The Under Secretary of Transportation for Security **is responsible** for the planning, direction, and control of the Transportation Security Administration (TSA) **and for security in all modes of transportation**. The Under Secretary of Transportation for Security's responsibility includes carrying out chapter 449 of title 49, U.S.C., relating to civil aviation security, and related research and development activities, **and security responsibilities over other modes of transportation that are exercised by the Department of Transportation.**" The final rule also provides that the Deputy Under Secretary of Transportation for Security/Chief Operating Officer shall serve as the "first assistant" to the Under Secretary of Transportation for Security for purposes of the Federal Vacancies Reform Act of 1998.

Contact: David Tochen, (202) 366-9153

Editor's Note: It should be noted that there appears to be difference of opinions between different hazardous materials transportation stakeholders regarding whether "security" is something under DOT and DOT's Research and Special Programs Administration (RSPA) or, going that the Transportation Security Administration (TSA) may move to the proposed new Department of Homeland Security, that security is not a DOT and DOT/RSPA function. Some of the stakeholder opinions regarding this issue can be learned from reading the comments in the rulemakings on the previous page. For example, the Association of American Railroads provided comments to the one proposed rule stating that RSPA should defer to TSA and the Federal Railroad Administration regarding security requirements.

Along similar lines, an item that came out at a hazmat conference was the fact that a railroad association had requested the removal of the hazardous materials placard on rail cars for security reasons. DOT stated that their position was that the placards are hazard communication for emergency responders and did not support the removal of placards on rail cars.

However, it appears that DOT has added to the confusion some by codifying at this time statute language (see previous page) which states that TSA has responsibility over transportation mode security.

Issues being raised include: Can one distinguish different measures as being purely security or purely safety? What will happen to national hazardous materials transportation uniformity if a Homeland Security Department allows states and locals to establish their own security rules (i.e., would the Hazardous Materials Transportation Act (HMTA) preemption clause apply if safety and security are not either considered one and the same)? There were two recent articles in BNA's *Transportation Watch* which discussed some of the security/safety/preemption/national transportation uniformity controversy. The Dangerous Goods Advisory Council and others want the Department of Homeland Security legislation to contain a hazardous materials transportation uniformity provision. One of the articles also states that an unnamed DOT official does not see that there will be any problems regarding uniformity or preemption authority.

8/15/02, 67 FR 53381-53382

**CHEMICAL TRANSPORTATION ADVISORY
COMMITTEE
NOTICE OF MEETING**

The Coast Guard announced that the Chemical Transportation Advisory Committee (Committee) will meet on 10/8 - 10/9/02 in Washington, DC, at Coast Guard Headquarters. Agenda items on 10/8/02 include: (1) Discussion of ways the Committee can improve work distribution and outreach to the public; (2) Discussion of steps that can be taken to increase public interest in the Committee and subcommittee work; and (3) Discussion of future subcommittee initiatives. Agenda items on 10/9/02 include: (1) Final reports from the Prevention Through People, Hazardous Substances Response Standards, and Vessel Cargo Tank Overpressurization; (2) Discussion and vote to establish a new subcommittee on hazardous material marine transportation security; (3) A presentation on the use of fuel cells in the marine environment; (4) A presentation on vessel vetting systems and quality assurance issues; and (5) Update of Coast Guard regulatory projects.

Contact: Commander James Michalowski, (202) 267-1217

8/5/02, 67 FR 50649-50650

**MILITARY TRANSPORTATION RULES
NOTICE
EFFECTIVE DATE OF 1C: 11/1/02
COMMENTS DUE: 10/4/02**

The Military Traffic Management Command (MTMC) as the Department of Defense (DOD) Traffic Manager for surface and surface inter-modal traffic management surfaces canceled the Military Freight Traffic Rules Publication (MFTRP) 1B in its entirety and replaced it with the revised MFTRP 1C outlined in the notice. The purpose of this revision is to incorporate significant changes to Security Service rules due to recent world events, add interim changes made since the last revision, update addresses and contact information, and introduce new items to the motor carriers doing business with DOD shippers.

Contact: Stephen Lord, (757) 878-8351

[Editor's Note: This notice mentions some of the security enhancements described in RSPA's Advanced Notice of Proposed Rulemaking on the previous page.]

4/30/02, 67 FR 21327-21388

**HAZARDOUS MATERIALS TRANSPORTATION;
RADIOACTIVE MATERIALS
49 CFR 171, 172, 173, 174, 175, 176, 177, AND 178
PROPOSED RULE
COMMENTS WERE DUE: 7/29/02
DOT Docket # 6283**

DOT's Research and Special Programs Administration (RSPA) is **proposing to amend requirements in the DOT Hazardous Materials Regulations (HMR) pertaining to the transportation of radioactive materials based on changes contained in the International Atomic Energy Agency (IAEA) publication entitled *IAEA Safety Standards Series: Regulations for the Safe Transport of Radioactive Material, 1996 Edition, No. TS-R-1***. RSPA states that the purpose of the proposed rule is to harmonize requirements of the HMR with international standards, as well as to promulgate other DOT-initiated requirements. RSPA also states that there are no security-related changes to the HMR in this rulemaking.

4/30/02, 67 FR 21389-21484

**HAZARDOUS MATERIALS TRANSPORTATION;
RADIOACTIVE MATERIALS
10 CFR 71
PROPOSED RULE
COMMENTS WERE DUE: 7/29/02**

The Nuclear Regulatory Commission is **proposing to amend its regulations on packaging and transporting radioactive materials to make them compatible with the International Atomic Energy Agency (IAEA) publication entitled *IAEA Safety Standards Series: Regulations for the Safe Transport of Radioactive Material, 1996 Edition, No. TS-R-1*** and to codify other applicable requirements.

5/17/02, 67 FR 35193-35197

**PREEMPTION DETERMINATION
NOTICE
EFFECTIVE DATE: 5/17/02**

DOT's Research and Special Programs Administration (RSPA) **denied Broward County's (Florida) petition for reconsideration and stay of determination of RSPA's 12/27/00 determination that the Federal hazardous materials transportation law preempted certain Broward County requirements (65 FR 81950)**. RSPA's 12/27/00 determination found that Federal hazardous material transportation law preempted Broward County requirements pertaining to certain hazardous materials definitions, all requirements that rely on those definitions, written notification of a hazardous materials release, shipping paper retention for certain hazardous materials transporters, and monthly transportation activity reporting. However, RSPA's 12/27/00 determination found that Federal hazardous material transportation law did not preempt Broward County requirements pertaining to oral notification of a hazardous material release, packaging standards for hazardous waste transport vehicles, shipping paper retention for hazardous waste transporters, periodic vehicle inspection, and vehicle marking. **Broward County argued in its petition for reconsideration that its requirements apply exclusively to "the generation, use, storage, handling, processing, manufacturing, and disposal of hazardous materials"** and that it was not seeking to regulate the transportation of hazardous materials. **RSPA's ruling on the petition for reconsideration states that its preemption determination is only applicable to the County requirements to the extent that they relate to transportation in commerce, including loading, unloading, and storage incidental to transportation.**

[Editor's Note: Loading, unloading, and storage incidental to transportation is currently a fuzzy area and one can expect it to remain a fuzzy area for the foreseeable future. DOT's 5/13/02 Unified Agenda has the "Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage" Final Rule as a "Long-Term Action" with 6/03 as the projected earliest issuance date for a final rule.]

7/1/02, 67 FR 44247-44250

**HAZARDOUS MATERIALS TRANSPORTATION; RADIOACTIVE MATERIALS
NOTICE**

The Nuclear Regulatory Commission (NRC) **issued a list of names (Governors or their designees), addresses, and telephone numbers of individuals in each state who are responsible for receiving advance notification by NRC licensees** prior to transportation of certain shipments of spent nuclear reactor fuel shipments (10 CFR 73) and large quantity shipments of radioactive waste (10 CFR 71) and of spent nuclear reactor fuel not covered under 10 CFR 73. **The list is updated and published annually.**

Contact: Spiros Droggitis, (301) 415-2367

6/25/02, 67 FR 42947-42959

**HAZARDOUS MATERIALS TRANSPORTATION
49 CFR 105, 106, 107, AND 171
FINAL RULE
EFFECTIVE DATE: 7/25/02
DOT Docket # 3974**

DOT's Research and Special Programs Administration (RSPA) revised the hazardous materials regulations. Specifically, RSPA added a **new part 105** titled *Hazardous Materials Program Definitions and General Procedures*; wrote or re-wrote **parts 105 and 106 in plain language**; and made **minor substantive changes to parts 106, 107, and 171**.

5/13/02, 67 FR 32002-32-003

**HAZARDOUS MATERIALS TRANSPORTATION;
CARRIAGE BY AIRCRAFT
49 CFR 175
ADVANCED NOTICE OF PROPOSED RULEMAKING
COMMENTS DUE: 9/30/02
DOT Docket # 11654**

DOT's Research and Special Programs Administration (RSPA) **extended the comment period** of the **advanced notice of proposed rulemaking** to consider changes to the requirements in the Hazardous Materials Regulations on the transportation of hazardous materials by aircraft, published on 2/26/02 (67 FR 8769).

7/16/02, 67 FR 46624-46626

**HAZARDOUS MATERIALS TRANSPORTATION
49 CFR 397
PROPOSED RULE
COMMENTS WERE DUE: 8/15/02
DOT Docket # "12773"**

DOT's Federal Motor Carrier Safety Administration (FMCSA) is **proposing to eliminate an outdated requirement for drivers of vehicles with dual tires that are transporting hazardous materials to stop every two hours or 100 miles to inspect the tires**. [Editor's Note: FMCSA is still requiring operators of motor vehicles transporting hazardous materials to check each vehicle's tires at the beginning of each trip and each time the vehicle is parked.]

Contact: William Quade (202) 366-6121

5/13/02, 67 FR 31974-31978

**HAZARDOUS MATERIALS TRANSPORTATION;
PACKAGING AND SHIPPER RESPONSIBILITIES
NOTICE**

DOT's Research and Special Programs Administration **issued advisory guidance to remind shippers of hazardous materials in commerce, particularly by aircraft, of their responsibilities to properly identify, package, and communicate the hazards of those materials** in conformance with the Hazardous Materials Regulations (49 CFR Parts 171-180). The advisory guidance discusses the following seven areas: (1) hazard identification, classification, and communication; (2) general packaging requirements; (3) requirements for the use of packaging meeting United Nations performance standards; (4) additional packaging requirements for air shipments; (5) transportation security; (6) training of hazmat employees; and (7) obtaining Federal assistance.

7/12/02, 67 FR 46123-46129

**HAZARDOUS MATERIALS TRANSPORTATION;
SHIPPING PAPERS
49 CFR 172, 174, 175, 176, and 177
FINAL RULE
EFFECTIVE DATE: 8/12/02
DOT Docket # "10568"**

DOT's Research and Special Programs Administration amended the Hazardous Materials Regulations to require **(including but not limited to): (1) shippers and carriers to retain a copy of each hazardous materials shipper paper, or an electronic image thereof, for a period of 375 days after the hazardous materials is accepted by a carrier; (2) the shipping paper must be made immediately available upon request to an authorized official of a Federal, State, or local government agency at reasonable times and locations; (3) the shipping paper copy must include the date of acceptance by the initial carrier, except that, for rail shipments, the date on the shipment waybill or bill of lading may be used in place of the date of acceptance by the initial carrier; and (4) for carriage by air--only the initial carrier must receive and retain a copy of the shipper's certification as required by section 172.204.**

Contact: Deborah Boothe, (202) 366-8553

8/14/02, 67 FR 53117-53144

**HAZARDOUS MATERIALS TRANSPORTATION;
INFECTIOUS SUBSTANCES
49 CFR 171, 172, 173, 177, AND 178
FINAL RULE**

**EFFECTIVE DATE: 10/1/02
DOT Docket # 3971**

DOT's Research and Special Programs Administration (RSPA) **revised the transportation requirements for infectious substances, included regulated medical waste, incorporating the following changes:**

- (1) New classification criteria for infectious substances based on defining criteria developed by the World Health Organization (WHO) and consistent with standards contained in the United Nations (UN) Recommendations and the International Civil Aviation Organization (ICAO) Technical Instructions.
- (2) Revised packaging requirements for Division 6.2 materials consistent with international performance standards.
- (3) Revised materials of trade exceptions to include certain diagnostic specimens, biological products, and regulated medical waste (RMW). This final rule includes more specific packaging requirements for such materials of trade than were proposed in the Notice of Proposed Rulemaking.
- (4) New packaging and hazard communication requirements for shipments of diagnostic specimens consistent with international requirements. Diagnostic specimens transported in dedicated motor vehicles by private or contract carriers are excepted from most requirements of the Hazardous Materials Regulation (HMR). This final rule also clarifies that diagnostic specimens that contain a Risk Group 1 pathogen, do not contain a pathogen, or in which the pathogen is neutralized or inactive, are not subject to HMR requirements.
- (5) Modification of the current exception from requirements in the HMR for biological products. This final rule revises the proposal in the Notice of Proposed Rulemaking to specify that the exception is limited to biological products, including experimental products, subject to Federal approval, permit, or licensing requirements, such as those required by the Federal Drug Administration or the U.S. Department of Agriculture.
- (6) New bulk packaging options for the transportation of RMW, based on current exemption provisions. The packaging options proposed in the Notice of Proposed Rulemaking were modified in the final rule to reflect commenters' concerns about specifications for the packagings.

[con't]

(7) New hazard communication requirements for bulk shipments of RMW to assist emergency responders to identify such shipments.

Contact: Susan Gorsky, (202) 366-8553

8/7/02, 67 FR 51317-51323

**HAZARDOUS MATERIALS TRANSPORTATION;
EXEMPTIONS TO THE REGULATIONS
NOTICE**

DOT's Research and Special Programs Administration (RSPA) **listed its actions on hazardous materials regulation exemption applications in April - June 2002.**

[Editor's Note: Some of these make interesting read.]

8/8/02, 67 FR 51480-51499

**DOT; TRANSPORTATION SECURITY
ADMINISTRATION; INVESTIGATIVE AND
ENFORCEMENT PROCEDURES
49 CFR 1503
INTERIM FINAL RULE
EFFECTIVE DATE: 8/8/02**

The Transportation Security Administration (TSA) **issued an interim final rule that establishes the investigative and enforcement procedural rules that TSA will use to address civil aviation security and transportation security statutory and regulatory violations.** TSA stated that they adopted, in large part, FAA's investigative and enforcement procedures, as well as FAA's adjustment of civil penalties for inflation. However, some of the differences include: (1) limits public access to TSA enforcement docket; (2) a revision of occurrences of "shall" to "must" or "will" where appropriate; (3) expansion of the term "record" as FAA's rules do not include the request for hearing and the pleadings as part of the official record; and (4) revisions of time periods relating to various motions.

Contact: Quang Nguyen, (202) 493-1233

7/31/02, 67 FR 49741-49764

**MOTOR VEHICLES; MOTOR CARRIERS;
COMMERCIAL DRIVER'S LICENSE
49 CFR 350, 383, 384, AND 390
FINAL RULE
EFFECTIVE DATE: 9/30/02**

The Federal Motor Carrier Safety Administration (FMCSA) **revised the Commercial Driver's License (CDL) regulations**. This final rule, which implements provisions of the Motor Carrier Safety Improvement Act of 1999, combines two CDL rulemakings proposed in 2001 (66 FR 22499, 5/4/01; 66 FR 39248, 7/27/01). Some of the revisions include: (1) within 3 years of the effective date, allows FMCSA to penalize states not in substantial compliance with licensing and sanctioning requirements of the CDL program by withholding program money; (2) allows FMCSA to prohibit states that do not comply with this rule from issuing, renewing, transferring, or upgrading CDLs and from issuing hardship licenses to truck and bus drivers who lose their driving privileges; (3) **allows FMCSA to disqualify commercial motor vehicle (CMV) drivers who have been convicted of traffic violations while operating a passenger vehicle that result in their license being canceled, revoked, or suspended, or of committing drug and alcohol-related offenses while driving a passenger vehicle**; (4) adds two new disqualifying offenses: driving a CMV after a CDL was revoked, suspended, or canceled for operating a CMV and causing a fatality through the negligent or criminal operation of a CMV; and (5) requires applicants obtaining, transferring, or renewing a CDL to tell their state driver-licensing agency where they previously held motor vehicle licenses.

Contact: Robert Redmond, (202) 366-5014

5/13/02, 67 FR 31978-31986

**MOTOR CARRIER REGISTRATION; NEW ENTRANTS
49 CFR 385
INTERIM FINAL RULE
EFFECTIVE DATE: 1/1/03
COMMENTS WERE DUE: 7/12/03**

DOT's Federal Motor Carrier Safety Administration (FMCSA) **issued, as interim final, minimum requirements for new entrant motor carriers** to ensure that they are knowledgeable about applicable Federal motor carrier safety standards. The interim rule allows new entrants, after FMCSA considers them to be knowledgeable through the application process, to operate for 18 months, at which time the new entrants must pass a safety audit to receive permanent DOT registration.

7/18/02, 67 FR 47268-47278

**TRANSPORTATION PLANNING; TEA-21
23 CFR 420
FINAL RULE
EFFECTIVE DATE: 8/19/02**

DOT's Federal Highway Administration **revised its regulations on planning and research program administration to reflect legislative changes due to enactment of the Transportation Equity Act for the 21st Century (TEA-21)**.

Contact: Tony Solury, (202) 366-5003 or Jowell Parks, (202) 493-3166

**MONIES DENIED UNDER PRESIDENT'S
DECISION TO NOT ACCEPT PORTION OF
SUPPLEMENTAL FUNDS include --**

- \$100 million to improve communications systems for firefighters, police officers, and other emergency personnel
- \$150 million for equipment and training grants to fire departments across the U.S.
- \$90 million for long term health monitoring of emergency workers at the Ground Zero, NY
- \$165 million to strengthen securing around food and water supplies
- \$39 million to improve and increase inspections of the 6 million cargo containers entering the country each year
- \$50 million in flood prevention

7/8/02, 67 FR 45183-45184

**CYLINDERS; FIRE EXTINGUISHERS; SAFETY
ADVISORY
NOTICE**

DOT's Research and Special Programs Administration (RSPA) issued a safety advisory regarding high and low pressure compressed gas cylinders, primarily fire extinguishers and self-contained breathing apparatus, which may pose a safety hazard. Specifically, RSPA previously determined that Tech Fire and Safety, Inc., located in Watervliet, New York, was not fit to conduct DOT specification and exemption cylinder retesting and revoked Tech Fire and Safety Inc.'s approval to test on 10/2/02. **RSPA subsequently received information that Tech Fire and Safety, Inc. continued to retest after the approval revocation.** As such, anyone who has a cylinder serviced by Tech Fire and Safety, Inc. should consider the cylinder unsafe. **All such cylinders should not be filled without being testing by a DOT-authorized retest facility.**

Contact: Chris Michalski, (609) 989-2256

8/8/02, 67 FR 51625-51668

**HAZARDOUS MATERIALS TRANSPORTATION; DOT
SPECIFICATION CYLINDERS
49 CFR 107, 171, 172, 173, 177, 178, 179, AND 180
FINAL RULE
EFFECTIVE DATE: 10/1/02
DOT Docket # "10373"**

The Research and Special Programs Administration (RSPA) amended the hazardous materials transportation regulations applicable to the maintenance, requalification, repair, and use of DOT specification cylinders. The changes include: (1) prohibiting a filled cylinder with a specified service life from being offered for transportation in commerce after its service life has expired; and (2) incorporating by reference new and updated Compressed Gas Association standards and updated American Society for Testing and Materials standards. RSPA also adopted revised the requirements for approval of cylinder requalifiers, independent inspection agencies, and non-domestic chemical analysis and tests. Further, RSPA deleted the authorization for the manufacture of DOT cylinders made with aluminum alloy 6351-T6.

Contact: Cheryl Freeman or Mark Toughiry, (202) 366-4545

7/9/02, 67 FR 45582-45583

**CYLINDERS; SAFETY ADVISORY
NOTICE
DOT Docket # "11270"**

DOT's Research and Special Programs Administration (RSPA) issued a safety advisory regarding cylinders and/or tube trailers which may pose a safety hazard. Specifically, RSPA has determined that BKC Industries, Inc., located in Creedmoor, North Carolina, apparently wrongly marked and certified an undetermined number of cylinders and/or tube trailers as having been properly tested in accordance with the Hazardous Materials regulations when the testing equipment was not properly calibrated. As such, anyone who has a cylinder or tube trailer that was serviced by BKC Industries, Inc., and that is marked with D236 and stamped with a retest date between 8/98 and 10/01 should consider the cylinder unsafe. **Any filled cylinders meeting that criteria should be vented or otherwise safely discharged and empty cylinders should not be filled without being testing by a DOT-authorized retest facility.**

Contact: Terrell Hinds, (404) 305-6120

7/25/02, 67 FR 48702-48703

**CYLINDERS; SAFETY ADVISORY - MODIFICATION
OF 7/9/02 ADVISORY ABOVE
NOTICE
DOT Docket # "11270"**

On 7/25/02, RSPA issued a modification to its 7/9/02 safety advisory to state that RSPA no longer believes that the BKC Industries, Inc. (Creedmore, North Carolina) cylinders and tube trailers in question may be unsafe such that all filled cylinders need to be vented or otherwise safely discharged. Instead, RSPA believes that the cylinders and tube trailers may continue in service provided each cylinder and tube trailer is thoroughly inspected by external visual examination at the time the cylinder or tube trailer is to be refilled.

Contact: Raymond LaMagdelaine, (202) 366-4545

5/24/02, 67 FR 36666-36667

**PIPELINES; CONSTRUCTION; SAFE EXCAVATION
PRACTICES
NOTICE**

DOT/Research and Special Programs Administration's Office of Pipeline Safety (OPS) issued an **advisory notice** regarding the **need for safe excavation practices in order to not damage hazardous liquid and natural gas pipelines, as well as other underground facilities, such as water, sewer, electrical, and phone**. OPS notes that excavation damage increases in the warmer months of a year. OPS reminded all concerned to implement the **four steps of the "Dig Safety Campaign"**: (1) Call Before You Dig; (2) Wait the Required Time in Your State for Operators to Mark Their Facilities; (3) Observe Marks Indicating the Presence of Facilities When You Dig; and (4) Dig With Care--protect both yourself and the facilities when you dig.

7/26/02, 67 FR 48844-48851

**PIPELINES; HAZARDOUS LIQUID PIPELINE
OPERATOR ANNUAL REPORT FORM
49 CFR 195
PROPOSED RULE
COMMENTS DUE: 9/24/02
DOT Docket # 9832**

DOT/Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) is proposing to require hazardous liquid pipeline operators to submit an annual report. The report form asks for information that OPS does not currently collect, such as: breakout tank location and capacity; hazardous liquid pipeline mileage by State, diameter, and decade installed. The report is proposed to be due March 15 of each year for the previous calendar year, aligning with the annual reporting schedule for national gas pipeline operators. OPS states that the proposed information collection is part of RSPA's/OPS's overall strategy for improving the quality of pipeline statistics and addresses a longstanding data gap in hazardous liquid pipeline inventory information.

Contact: Roger Little, (202) 366-4569

8/6/02, 67 FR 50824-50835

**PIPELINES; HIGH CONSEQUENCE AREAS; GAS
TRANSMISSION LINES
49 CFR 192
FINAL RULE
EFFECTIVE DATE: 9/5/02
DOT Docket # 7666**

DOT/Research and Special Programs Administration's Office of Pipeline Safety (OPS) issued the definition of "areas of high consequence" where the potential consequences of a gas pipeline accident may be significant or may do considerable harm to people and their property. According to the final rule, "A *high consequence area* means any of the following areas:

- (a) An area defined as a Class 3 location under section 192.5;
- (b) An area defined as a Class 4 location under section 192.5;
- (c) For a pipeline not more than 12 inches in nominal diameter and operating at a maximum allowable operating pressure of not more than 1200 psig, an area which extends 300 feet from the centerline of the pipeline to the identified site;
- (d) For a pipeline greater than 30 inches in nominal diameter and operating at a maximum allowable operating pressure greater than 1000 psig, an area which extends 660 feet from the centerline of the pipeline to the identified site.
- (e) For a pipeline not described in paragraph (c) or (d) of this section, an area which extends 660 feet from the centerline of the pipeline to the identified site.
- (f) An *identified site*. **An identified site is a building or outside area that --**
 - (1) Is visibly marked;
 - (2) Is licensed or registered by a Federal, State, or local agency;
 - (3) Is known by public officials; or
 - (4) Is on a list or map maintained by or available from a Federal, State, or local agency or publicly or commercially available database; **and**
 - (5) **Is occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate.** Examples include, but are not limited to **hospitals, prisons, schools, day-care facilities, retirement facilities, and assisted-living facilities; or**
 - (6) There is evidence of use of the site by at least 20 or more persons on at least 50 days in any 12-month period. (The days need not be consecutive.) **Examples include**, but are not limited to, **beaches, playgrounds, recreational facilities, camping grounds, outdoor theaters, stadiums, religious facilities, and recreational areas near bodies of water.**"

RADIOLOGICAL MATERIALS

4/24/02, 67 FR 20249-20397

**RADIOLOGICAL MATERIALS; EXPOSURE;
MEDICAL USE
10 CFR 20, 32, AND 35
FINAL RULE
EFFECTIVE DATE: 10/24/02**

The Nuclear Regulatory Commission (NRC) amended its regulations regarding the medical use of radiological byproduct material. The NRC **also revised its definitions of “occupational dose” and “public dose” in 10 CFR Part 20 -- Standards for Protection Against Radiation.**

4/15/02, 67 FR 18209

**RADIATION; HEALTH CONSEQUENCES;
RADIOACTIVE FALLOUT
NOTICE
COMMENTS DUE: 8/13/02**

The Centers for Disease Control and Prevention announced the availability of, and requested comments on, a **two-volume Technical Report on the feasibility and public health implications of a detailed study of the health impact on the American people of radioactive fallout from the testing of nuclear weapons.** The notice states: “Any person living in the contiguous U.S. since 1951 has been exposed to radioactive fallout, and all organs and tissues of the body have received some radiation exposure.” The feasibility study found that on the basis of the preliminary estimates of dose and risk, “. . . fallout radiation appears to have the greatest impact on risks for thyroid tumors. Risks for leukemia would be lower. Risk for cancers or other organs or tissues could be assessed as well, but because of the smaller amount of information available about radiation-associated health effects and the lower doses to most organs, the uncertainties associated with these estimates would be extremely large.” The report is available at <http://www.cdc.gov/nceh/radiation/default.htm>.

4/11/02, 67 FR 17728

**RADIATION; IONIZING RADIATION DOSIMETRY
NOTICE
EFFECTIVE DATE: 4/11/02**

The Nuclear Regulatory Commission and the Department of Commerce’s National Institute of Standards and Technology (NIST) announced to the public and dosimetry processors that **there is a revised proficiency testing standard for personnel dosimetry performance.** The notice also identifies the significant changes to the proficiency testing standard for personnel dosimetry performance.

6/19/02, 67 FR 41742-41743

**RADIATION; STANDARDS
NOTICE OF MEETING**

The Nuclear Regulatory Commission (NRC) is hosting a meeting of the **Interagency Steering Committee on Radiation Standards (ISCORS)** on 7/9/02 (1-5 p.m.) in Rockville, Maryland. Agencies represented on ISCORS include the NRC, EPA, Department of Energy, DOT, Department of Defense, OSHA, Department of Health and Human Services. The purpose of ISCORS is to foster early resolution and coordination of regulatory issues associated with radiation standards.

7/1/02, 67 FR 44217-44218

**RADIOLOGICAL PREPAREDNESS; FEDERAL
PREPAREDNESS
NOTICE OF MEETING**

The **Federal Radiological Preparedness Coordinating Committee** met on 7/30/02 (9 a.m.) at FEMA’s Lobby Conference Center, Washington, DC. Contact: Pat Tenorio, (202) 646-2870

7/8/02, 67 FR 45706-45707

**ACQUISITION; RADIOACTIVE MATERIALS;
INFORMATION COLLECTION REQUEST
NOTICE**

COMMENTS WERE DUE: 8/9/02

The Federal Acquisition Regulation (FAR) Secretariat requested comments on an Information Collection Request it submitted to the Office of Management and Budget:

- **Notice of Radioactive Materials**, FAR 52.223-7.

The clause at FAR 52.223-7, Notice of Radioactive Materials, requires contractors to notify the Government prior to delivery of items containing radioactive materials. The purpose of the notification is to alert receiving activities that appropriate safeguards may need to be instituted. The notice is required to specify the part or parts of the items which contain radioactive materials, a description of the materials, the name and activity of the isotope, the manufacturer of the materials, and any other information known to the contractor which will put users of the items on notice as to the hazards involved.

Contact: Laura Smith, GSA, (202) 202-7279

7/9/02, 67 FR 45554-45555

**RADIOACTIVE MATERIALS; NEW LICENSE; US
ARMY CONTAMINATED EQUIPMENT
NOTICE**

The Nuclear Regulatory Commission announced that it is considering issuing a new Byproduct Material License to the U.S. Army to authorize the collection of unwanted Army commodities containing radiological sources (from throughout the U.S. and U.S. military bases in other countries), and preparation of these sources for shipment and proper disposal using the Army Contaminated Equipment Retrograde Team Field Services Facility located in Rock Island, Illinois.

Contact: George McCann, (630) 829-9856

7/5/02, 67 FR 44884

**RADIOACTIVE MATERIALS; NEW LICENSE; US
ARMY CONTAMINATED EQUIPMENT
NOTICE**

The Nuclear Regulatory Commission announced that it is considering issuing a license amendment to the Safety Light Corporation, in South Central Township, PA, to authorize sorting, characterizing, and repackaging of containerized waste in two temporary waste storage areas (which could be flooded during severe hurricane-type conditions--the site is located adjacent to the Susquehanna River).

7/8/02, 67 FR 45158-45159

**RADIOACTIVE MATERIALS; INFORMATION
COLLECTION REQUEST
NOTICE**

COMMENTS WERE DUE: 8/7/02

The Nuclear Regulatory Commission requested comments on a revised Information Collection Request it submitted to the Office of Management and Budget:

- **10 CFR 32, Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material.**

Contact: Brenda Jo Shelton, (301) 415-7233

7/18/02, 67 FR 47410

**RADIOACTIVE MATERIALS; INFORMATION
COLLECTION REQUEST
NOTICE**

COMMENTS WERE DUE: 8/19/02

The Nuclear Regulatory Commission requested comments on a revised Information Collection Request it submitted to the Office of Management and Budget:

- **10 CFR 31, General Domestic Licenses for Byproduct Material.**

Contact: Brenda Jo Shelton, (301) 415-7233

7/19/02, 67 FR 47574-47575

**RADIOACTIVE MATERIALS; INFORMATION
COLLECTION REQUEST
NOTICE**

COMMENTS WERE DUE: 9/17/02

The Nuclear Regulatory Commission requested comments on the following Information Collection Request:

- **10 CFR 30, Rules of General Applicability to Domestic Licensing of Byproduct Material** (10 CFR 30; Applicable to all persons applying for or holding a license to manufacture, produce, transfer, receive, acquire, own, possess, or use radioactive byproduct material).

Contact: Brenda Jo Shelton, (301) 415-7233

NATIVE AMERICANS / INDIAN TRIBES

7/12/02, 67 FR 46327-46333

**FEDERALLY RECOGNIZED TRIBES; LISTING
NOTICE**

The Department of Interior's Bureau of Indian Affairs issued an updated list of Federally recognized tribes in the contiguous 48 states and in Alaska.

Contact: Daisy West, (202) 208-2475

7/1/02, 67 FR 44234-44240

**FEDERALLY RECOGNIZED TRIBES;
DETERMINATION**

NOTICE

**EFFECTIVE DATE: 90 DAYS FROM PUBLICATION
DATE**

The Department of Interior's Bureau of Indian Affairs (BIA) issued a final determination Federally recognizing a single historical Eastern Pequot tribe as a Federally recognized tribe. Currently the historical Eastern Pequot tribe is composed of two demarcated subgroups: **Eastern Pequot Indians of Connecticut**, and the **Paucatuck Eastern Pequot Indians of Connecticut**. BIA stated that it will deal with both subgroups in a process of developing a governing document for the single historical Eastern Pequot tribe. Base roll membership for the single historical Eastern Pequot tribe shall consist of the combined membership lists of the two subgroups.

Contact: Lee Fleming, (202) 208-3592

7/12/02, 67 FR 46204-46206

**FEDERALLY RECOGNIZED TRIBES;
DETERMINATION**

NOTICE

EFFECTIVE DATE: DATE OF PUBLICATION

The Department of Interior's Bureau of Indian Affairs issued a final reconsidered determination declining to acknowledge the Chinook Indian Tribe/Chinook Nation as a Federally recognized tribe.

Contact: Lee Fleming, (202) 208-3592

5/14/02, 67 FR 34448-34450

**INFORMATION; ENVIRONMENTAL INFORMATION;
DATA STANDARDS**

NOTICE

COMMENTS DUE: 6/28/02

EPA announced the availability of, and requested comments on the following two draft data standards: (1) Draft Data Standard for Reporting Water Quality Results for Chemical and Microbiological Analytes; and (2) **Draft Data Standard for Exchange of Tribal Identifier Information**. The tribal identifier standard is being developed to provide a common name and code for each of the Federally Recognized Tribes that will be used in EPA programs and will likely become the specified "road map" for communication among environmental agencies exchanging environmental information. Due to inconsistencies found between states and between agencies with a state, state recognized tribes are not included in the tribal identifier standard. The draft data standards are available at <http://www.epa.gov/edsc>. [Editor's Note: EPA and the Environmental Data Standards Council have already approved the following data standards: Chemical Identification; Date; Enforcement/Compliance; Facility Identification; Latitude/Longitude; Permitting; SIC/NAICS; and Biological Taxonomy. Also, in addition to the two draft data standards discussed above, there is also a Contact data standard under development.]

5/9/02, 67 FR 31366-31367

**INDIAN TRIBES; TRIBAL LAND; MT
NOTICE**

The Department of Interior (DOI)'s Bureau of Land Management (BLM) announced that it transferred **20,861.73 acres of public lands from BLM to DOI's Bureau of Indian Affairs in trust for the Crow Indian Tribe and shall be recognized as part of the Crow Indian Reservation**. The land is located in Big Horn and Yellowstone Counties, Montana.

7/12/02, 67 FR 46109-46112

**NATIVE INDIAN GAMING COMMISSION;
ENVIRONMENT, PUBLIC HEALTH, AND SAFETY
INTERPRETIVE RULE
EFFECTIVE DATE: 8/12/02**

The Indian Gaming Regulatory Act (IGRA) established the National Indian Gaming Commission (Commission) as an independent Federal regulatory agency responsible for Federal oversight of Indian gaming. **This interpretive rule explains the Commission's understanding of its oversight authority in the area of environment, public health, and safety.** The interpretive rule states the following: "It is the Commission's view that section 2710(b)(2)(E) [of IGRA] requires tribal governments electing to conduct gaming on tribal lands to apply, adopt or issue standards designed to ensure that gaming operations on Indian lands are constructed, operated, and maintained in a manner that adequately protects the environment, public health, and safety, and furthermore, to enforce compliance with such standards, conducted by qualified personnel. **At a minimum, such standards must address: (1) Emergency preparedness; (2) food & water; (3) construction & maintenance; (4) hazardous and other materials; and (5) sanitation.**" The Commission also recognized that tribal governments vary dramatically in terms of size, structure, and organization. "Accordingly, compliance may be effected in any number of ways."

7/8/02, 67 FR 45124-45125

**REGIONAL TRIBAL CONSULTATIONS
NOTICE OF MEETINGS**

The Centers for Disease Control and Prevention (CDC) invited elected Tribal leaders, Executive Directors of American Indian/Alaska Native (AI/AN) organizations, Health Directors of AI/AN Programs, and AI/AN community members to attend one or more of a series of consultation meetings to occur throughout the U.S. during June to early October 2002. CDC states that the intent of this consultation process is to establish a mutually acceptable and more effective process of communication between CDC and AI/AN governments and communities.

Contact: Captain Pelagie "Mike" Snesrud, RN, (404) 639-0432 or Captain Ralph Bryan, MD, (505) 248-4226

8/7/02, 67 FR 51327-51400

**TRANSPORTATION PLANNING; NATIVE
AMERICANS
25 CFR 170
PROPOSED RULE
COMMENTS DUE: 10/7/02
DOT DOCKET # "12229"**

The Department of Interior's Bureau of Indian Affairs (BIA) is proposing to establish policies and procedures governing the Indian Reservation Roads (IRR) program. The proposed rule expands transportation activities to tribes and tribal organizations and provides guidance to tribes and tribal organizations for planning, designing, constructing, and maintaining transportation facilities. BIA is also proposing a Tribal Transportation Allocation Methodology that includes a relative need distribution factor for allocating IRR program funds based on the relative needs of Indian tribes, and reservation or tribal communities, for transportation; and the relative administrative capacities of, and challenges faced by, various Indian tribes, including the cost of road construction in each BIA area, geographic isolation, and difficulty in maintaining all-weather access to employment, commerce, health, safety, and educational resources. *[Editor's Note: The IRR program is jointly administered by BIA and DOT's Federal Highway Administration. Several provisions of the Transportation Equity Act for the 21st Century (TEA-21) directly affect the IRR program, including Section 1115(b) which mandated that BIA and DOT enter into a negotiated rulemaking with tribal governments to develop IRR program procedures and a funding formula to allocate IRR funds. This proposed rule is a negotiated rulemaking.]*

Contact: LeRoy Gishi, (202) 208-4359

8/9/02, 67 FR 51867

**NATIVE AMERICANS; MI
NOTICE**

The Department of Interior's Bureau of Indian Affairs announced its final agency determination to acquire approximately 78.26 acres of land in trust for the Nottawaseppi Huron Band of Potawatomi Indians of Michigan. The land is located in Emmett Township, Calhoun County, Michigan.

Contact: Nancy Pierskalla, (202) 219-4066

INTERNET

5/16/02, 67 FR 34890-34893

**INTERNET GOV DOMAIN; FEDERAL MANAGEMENT REGULATIONS
41 CFR 102-173
PROPOSED RULE
COMMENTS WERE DUE: 7/15/02**

The General Services Administration is **proposing to add coverage of the Internet “gov” domain to the Federal Management Regulation**. The purpose of the rule is to provide a new policy for registration of domain names. The **proposed new policy makes the “.gov” [or “dot-gov” per the proposed rule] domain available to state and local governments and Native Sovereign Nations** (in addition to the Federal government).

FEMA

5/7/02, 67 FR 30685-30686

**CITIZEN CORPS; FEMA; PRIVACY ACT;
NOTICE**

**EFFECTIVE DATE: 6/21/02, unless comments are
received that result in a contrary determination**

FEMA announced that it is establishing a new system of records under the Privacy Act, titled **Citizen Corps Database**. The system covers those individuals who express an interest in Citizen Corps programs or activities. Corps programs include: Community Emergency Response Teams, Neighborhood Watch, Volunteers in Police Service, Medical Reserve Corps, Operation TIPS, and Citizen Corp Councils.

5/17/02, 67 FR 35201-35331

**FLOOD MAPS; CHANGES
NOTICE**

FEMA published a **compendium listing of changes** made to **National Flood Insurance Program maps** produced by FEMA **effective during the last six months of 2001**. The listing contains the following information: region, state, community affected by map changes, map panel, determination date (i.e., effective date of the change), case number, and determination type.

8/6/02, 67 FR 50817-50819

**FLOOD MAPS; FLOOD INSURANCE; IA, MA,
NJ, NY, AND OR**

**44 CFR 64
FINAL RULE**

EFFECTIVE DATE: 8/6/02 OR 8/20/02

FEMA suspended National Flood Insurance Program authorization for certain communities because of noncompliance with floodplain management requirements. **The communities are located in the following states: IA, MA, NJ, NY, and OR.**

Contact: Matthew Miller, (202) 646-3461

8/1/02, 67 FR 49922-49925

**FLOOD MAPS; MAP AND INSURANCE PRODUCTS;
FEES**

NOTICE

EFFECTIVE DATE: 9/1/02 OR LATER

The Federal Emergency Management Agency announced revised fee schedules for processing **certain types of requests for changes to National Flood Insurance Program (NFIP) maps, for processing requests for Flood Insurance Study technical and administrative support data, and for processing requests for particular NFIP map and insurance products.**

Contact: Matthew Miller, (202) 646-3461

8/6/02, 67 FR 50890-50891

MITIGATION GRANTS; PRE-DISASTER GRANT PROCESS
 NOTICE
COMMENTS DUE: 9/30/02

FEMA requested comments and ideas on the process for implementing a--not yet approved, but in the FY03 budget proposal--competitive grant program for pre-disaster mitigation. The notice contains a list of 11 questions that FEMA would like responses to. FEMA also indicated that it will hold meeting on this subject during the comment period, but provided no specific meeting information in the notice.

Contact: Terry Baker, (202) 646-4648

HOMELAND SECURITY

6/4/02, 67 FR 38418-38423

**FEDERAL LAND; DOI; BUREAU OF RECLAMATION;
 LAW ENFORCEMENT AUTHORITY**
 43 CFR 422
 FINAL RULE
EFFECTIVE DATE: 6/4/02
COMMENTS WERE DUE: 8/5/02

The Department of Interior's (DOI) Bureau of Reclamation issued a final rule that **establishes criteria for the use of Non-DOI law enforcement personnel within a Bureau of Reclamation project or on Bureau of Reclamation lands**. This rule was promulgated to provide for security of dams, power plants, other related facilities, and resources under the Bureau of Reclamation's jurisdiction.

7/29/02, 67 FR 48977-48988

**AIRPORTS; EMPLOYEE ACCESS; CUSTOMS
 SECURITY AREAS**
 19 CFR 122
 INTERIM FINAL RULE
EFFECTIVE DATE: 7/19/02
COMMENTS DUE: 9/27/02

The U.S. Customs Service (Customs) amended its requirements regarding the Customs-approved access seal on identification cards worn by employees at airports accommodating international air commerce. **The Customs-approved identification requirement applies to all persons (other than government law enforcement personnel) who are located at, or operate out of, or are employed by, affected airports and who request access to Customs security areas in order to perform functions associated with their employment. Customs states that the security area may include the arriving airplane, ramp area, and Customs baggage and passenger inspection facilities. Customs is soliciting comments on the interim rule.**

Contact: Elizabeth Tritt, (202) 927-0530

8/7/02, 67 FR 51082-51083

**DOT; COAST GUARD; WATERFRONT, PORTS, AND
 HARBORS; IDENTIFICATION CREDENTIALS**
 33 CFR 6 AND 125
 CLARIFICATION OF REGULATION
EFFECTIVE DATE: 9/6/02

The Coast Guard **announced clarification of the identification credentials that would be acceptable to the Commandant under 33 CFR 125.09(f), for access to waterfront facilities and to port and harbor areas**, including the vessels and harbor craft in them. As specified in 33 CFR 6.10-5, 125.15, and 125.53, such credentials can, at a minimum, be laminated (or otherwise secured against tampering), contain the full name and a current photograph of the person, and bear the name of the issuing authority. **Starting on the effective date, every person (including passengers) entering a waterfront facility, or embarking on or disembarking from a vessel or a harbor craft must use acceptable identification credentials as noted above.** The Coast Guard notes that because these credentials are for use essentially in the maritime realm, they bear the narrow label of "maritime credentials." However, since the people carrying them will be representative of the inter-modal community, **the credential will not apply solely to personnel in the maritime realm.** When DOT makes a decision concerning the "National Transportation Workers' Identification Card," the Coast Guard will reevaluate this action and determine how best to harmonize these requirements with any requirements by DOT.

Contact: Gerald Miente, (202) 267-5149

6/24/02, 67 FR 42469-42470

PRESIDENTIAL DOCUMENTS; EXECUTIVE ORDERS

On 6/20/02, President Bush issued Executive Order 13267, *Establishing a Transition Planning Office for the Department of Homeland Security Within the Office of Management and Budget.*

7/24/02, 67 FR 48354-48361

**STATE AND LOCAL LAW ENFORCEMENT;
FEDERAL IMMIGRATION ENFORCEMENT
AUTHORIZATION**

28 CFR 65

FINAL RULE

EFFECTIVE DATE: 8/28/02

The Department of Justice issued a final rule which permits the U.S. Attorney General to authorize any State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise certain powers, privileges, or duties of officers or employees of the Immigration or Naturalization Service during the period of a declared "mass influz of aliens."

Contact: Ronald Dodson, (202) 514-2998

DEMOGRAPHICS

5/1/02, 67 FR 21961-21967

**DEMOGRAPHICS; URBANIZED AREAS; URBAN
CLUSTERS
NOTICE****EFFECTIVE DATE: "IMMEDIATELY"**

The Bureau of the Census **issued a listing of urbanized areas** based on the results of the 2000 Census. In addition, the notice **alerts data users to the availability of lists of (1) urban clusters, and (2) major airports.** An urbanized area consists of densely settled territory that contains 50,000 or more people. An urban cluster consists of densely settled territory that contains at least 2,500 people, but fewer than 50,000 people. Major airports adjoining qualifying urbanized areas and urban clusters are those airports that, according to 2000 FAA statistics, had an annual enplanement of at least 10,000 people, and thus qualified as a primary airport in that year. The notice notes the following: (i) there were 76 new urbanized areas; (ii) 17 urbanized areas were formed by merging 46 of the 1990 census urbanized areas; and (iii) 44 urbanized areas had other significant changes unrelated to splits and mergers. The list of major airports is available at http://www.census.gov/geo/www/ua/ua_2k.html.

7/8/02, 67 FR 45173-45178

**TRANSPORTATION MANAGEMENT AREAS
NOTICE****EFFECTIVE DATE: 7/8/02**

DOT's Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) **designated all urbanized areas (UZAs) with populations greater than 200,000 as determined by the 2000 Census as Transportation Management Areas (TMAs).** Designated TMAs are subject to special planning and programming requirements.

Contact: Sheldon Edner, (202) 366-1371 or Paul Verchinski, (202) 366-1626

7/26/02, 67 FR 48871-48877

**ACCESSIBILITY; LANGUAGE ASSISTANCE
NOTICE****EFFECTIVE DATE: 7/26/02**

The Bureau of the Census announced its determination as to **which political subdivisions are subject to the minority language assistance** provisions of Section 203 of the Voting Rights Act. [Editor's Note: This information might be helpful in the decision process regarding providing documents, publications, outreach materials, etc. in languages other than English.]

Call for LEPC, SERC, TERC shelter in place

- handouts,
- magnets,
- webpages,
- videos

for display

in a booth about LEPC activities
at the EPA Region 3 CEPP/LEPC Conference
in Baltimore, MD
in Dec. 2002!

The Baltimore Region LEPC booth at the Region 3 conference would like to highlight the following topics this year **using information from LEPCs, SERCs, and TERCs from across the U.S.:** (1) **shelter in place;** (2) **NOAA weather radios (including wording/statements for shelter in place),** and (3) **mutual aid/compact agreements.** If you have any of the above shelter in place items and/or other information, handouts, etc. on the other 2 topics, and/or other handouts/activities you would like LEPCs to learn about (on any topics, activities, LEPC issues, etc.), please contact the LEPC Information Exchange (rschel@lepcinfoexchange) or send the information/items to:

LEPC Information Exchange, 507 Greenblades Ct., Arnold, MD 21012.

2002, August, Schelhaus.

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