

memorandum

DATE: **MAR 09 1998**

REPLY TO:

ATTN OF: Office of Environmental Policy and Assistance:Ostrowski:64997

SUBJECT: INFORMATION - RECENT FEDERAL REGISTER NOTICES AND DOCUMENTS:
January-December 1997

TO: Distribution

The following 1997 Federal Register Notices may be of interest to certain Department of Energy facilities. Federal Register citations and EH-412 Points of Contact are provided for your information.

RADIATION PROTECTION:

FINAL RULES:

January 29, 1997: Final 10 CFR Parts 20 and 35 – “Criteria for the Release of Individuals Administered Radioactive Material”. The Nuclear Regulatory Commission (NRC) amended its regulations concerning the criteria for the release of patients administered radioactive material. The final rule requires the licensee to provide written instructions to patients on how to maintain the doses to others as low as is reasonably achievable if the total effective dose equivalent to any other individual exposed to the released patient is likely to exceed 1 millisievert (0.1 rem). The effective date was May 29, 1997. (62 FR 4120).

July 21, 1997: 10 CFR Parts 20, 30, 40, 50, 51, 70 and 72 -- "Radiological Criteria for License Termination". The NRC amended its regulations regarding decommissioning of licensed facilities to provide specific radiological criteria for the decommissioning of lands and structures. (62 FR 39058).

PROPOSED RULE:

July 21, 1997: 10 CFR Parts 20 and 40-- "Radiological Criteria for License Termination: Uranium Recovery Facilities". NRC requested specific comment on radiological criteria for uranium recovery facilities. The action was intended to provide full consideration of the issues associated with the decommissioning of these facilities and the regulatory options for resolving these issues. (62 FR 39093).

WASTE MANAGEMENT:

PROPOSED RULE:

October 30, 1997: 40 CFR Part 194, Appendix A - "Certification of the Waste Isolation Pilot Plant's Compliance with the 40 CFR Part 191 Disposal Regulations and the 40 CFR

Part 194 Compliance Criteria." This action represents EPA's proposal to certify that WIPP will comply with the radioactive waste disposal regulations set forth at 40 CFR Part 191, Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Waste. EPA is required to certify such compliance by the WIPP Land Withdrawal Act, as amended. The Notice marked the beginning of a 120-day public comment period on EPA's proposed certification decision. ([62 FR 58792](#))

CLEAN AIR:

FINAL RULES:

June 16, 1997: 40 CFR Part 51 -- "Preparation, Adoption, and Submittal of State Implementation Plans; Appendix M, Test Methods 204, 204A-204 F". This final rule added seven methods to Appendix M of 40 CFR Part 51 for capture efficiency (CE) testing to assist States in adopting enforceable CE measurement protocols into their State implementation plans (SIPs) for ozone precursor emissions. These final methods, in conjunction with the protocols, would also improve EPA's ability to enforce State regulations to reduce volatile organic compounds (VOC) emissions in ozone nonattainment areas. ([62 FR 32500](#)).

August 25, 1997: 40 CFR Part 51 -- "Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of 16 Compounds". EPA revised its definition of volatile organic compounds (VOC) for purposes of preparing State implementation plans (SIPs) to attain the national ambient air quality standards (NAAQS) for ozone under Title I of the Clean Air Act, and for any Federal implementation plan for an ozone nonattainment area. This revision added 16 compounds to the list of compounds excluded from the definition of VOC on the basis that these compounds have negligible contribution to tropospheric ozone formation. ([62 FR 44900](#)).

August 29, 1997: 40 CFR Part 70 -- "Extension of Operating Permits Program Interim Approvals". EPA promulgated revisions to Appendix A of the operating permits regulations codified in 40 CFR Part 70. These revisions to Appendix A extend up to October 1, 1998, all operating permits program interim approvals that expire before that date. This action will allow the program revisions necessary to correct interim approval deficiencies to be combined with program revisions necessary to implement the revisions to Part 70 that are anticipated to be promulgated mid-summer, 1998. ([62 FR 45732](#)).

PROPOSED RULES:

March 28, 1997: 40 CFR Part 80 -- "Regulation of Fuels and Fuel Additives: Modification of the Covered Areas Provision for Reformulated Gasoline". EPA proposed to modify 40 CFR 80.70(k) of the reformulated gasoline (RFG) regulations to allow States to opt into the RFG program for any area classified as marginal, moderate, serious or severe ozone

nonattainment area as of November 15, 1990, or any time later. (62 FR 15074).

July 9, 1997: 40 CFR Part 60 -- "Proposed Revisions of Standards of Performance for Nitrogen Oxide Emissions from New Fossil-Fuel Fired Steam Generating Units; Proposed Revisions to Reporting Requirements for Standards of Performance for New Fossil-Fuel Fired Steam Generating Units". Under Section 407(c) of the Clean Air Act, as amended, EPA has reviewed the emission standards for nitrogen oxides (NO_x) contained in the standards of performance for new electric utility steam generating units and industrial-commercial-institutional steam generating units. The proposed revisions to the existing standards for NO_x emissions reduce the numerical NO_x emission limits for both utility and industrial steam generating units to reflect the performance of best-demonstrated technology. As a separate activity, EPA has also reviewed the quarterly sulfur dioxide, NO_x, and opacity emission reporting requirements of the utility and industrial steam generating unit regulations contained in 40 CFR Part 60, Subpart Da and Db. This notice proposes to allow owners or operators of affected facilities to meet the quarterly reporting requirements of both regulations by means of electronic reporting, in lieu of submitting written compliance reports. (62 FR 36948).

July 11, 1997: 40 CFR Part 80 -- "Regulation of Fuels and Fuel Additives: Modifications to Standards and Requirements for Reformulated and Conventional Gasoline". Under the Clean Air Act, as amended, EPA promulgated regulations requiring that gasoline sold in certain areas be reformulated to reduce vehicle emissions of toxic and ozone-forming compounds. EPA is proposing changes to the regulations relating to emissions standards, emission models, compliance-related requirements and enforcement provisions. (62 FR 37338).

August 25, 1997: 40 CFR Part 51 -- "Air Quality: Revision to Definition of Volatile Organic Compounds -- Exclusion of Methyl Acetate". EPA proposed to add methyl acetate to the list of compounds in 40 CFR Part 51 excluded from the definition of volatile organic compounds (VOCs) on the basis that it has negligible contribution to tropospheric ozone formation. This compound has potential for use as a solvent in paints, inks and adhesives. (62 FR 44926).

August 27, 1997: 40 CFR Parts 60, 61, and 63 -- "Amendments for Testing and Monitoring Provisions". EPA proposed amendments to 40 CFR Parts 60, 61, and 63 to reflect miscellaneous editorial changes and technical corrections throughout the parts in sections pertaining to source testing or monitoring of emissions and operations, and proposes to add Performance Specification 15 (PS 15) (Performance Specification for Extractive Fourier Transform Infrared Spectroscopy [FTIR] Continuous Emissions Monitor Systems in Stationary Sources) to Appendix B of Part 60. (62 FR 45369).

November 7, 1997: 40 CFR Part 52 -- "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone". Under the Clean Air Act, EPA

proposed to require States in the eastern half of the United States to develop measures in their State Implementation Plans to reduce the formation of ozone pollution (i.e., smog) and its transport across state boundaries. (62 FR 60318).

December 8, 1997: 40 CFR Part 51 -- "Preparation, Adoption, and Submittal of State Implementation Plans; Appendix M, Test Method 207". The purpose of this proposed rule is to add a validated stationary source test method for the measurement of isocyanate emissions from stationary sources to the Code of Federal Regulations. (62 FR 64532).

NOTICES:

August 22, 1997: Notice of Proposed Determination: "Consumer and Commercial Products: Wood Furniture, Aerospace, and Shipbuilding and Ship Repair Coatings: Control Techniques Guidelines in Lieu of Regulations". EPA proposed its determination that control techniques guidelines (CTG) are substantially as effective as national regulations under Section 183(e) of the Clean Air Act, as amended, in reducing volatile organic compounds (VOC) emissions in ozone nonattainment areas from several source categories, including aerospace coatings and that, therefore, EPA may issue a CTG in lieu of a national regulation for each of these specific categories. (62 FR 44672).

October 2, 1997: Notice:-- "Request for Applications for Essential Use Exemptions to the Product and Import Phaseout of Ozone Depleting Substances Under the Montreal Protocol". Through this notice EPA requested applications for consideration at the Tenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (the Protocol) to be held in September 1998, for exemptions to the production and import phaseout in 1999 and subsequent years for ozone-depleting substances (including halons 1211 and 1301, CFC-11, CFC-12, CFC-113, CFC-114, CFC-115, CFC-13, CFC-111, CFC-112, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, CFC-217, carbon tetrachloride and methyl chloroform). (62 FR 51655).

CORRECTIONS:

January 16, 1997: 40 CFR Part 82 -- "Protection of Stratospheric Ozone". EPA corrected an error in the text of 40 CFR Part 82, revised as of July 1, 1996. Specifically a portion of Section 82.32, which contains definitions for the Clean Air Act refrigerant recycling regulations, was corrected. (62 FR 2310).

WATER:

NOTICE:

November 7, 1997: "Clean Water Act; Vice President's Initiatives". On October 18, 1997 Vice President Gore announced a set of Clean Water Initiatives to celebrate the twenty-fifth anniversary of the Clean Water Act. This notice contains the text a Memorandum for

Heads of Departments and Agencies from the Vice President, requesting that the Department of Agriculture and the Environmental Protection Agency, in consultation with all other agencies develop a comprehensive Action Plan within 120 days of his October 18 memorandum. (62 FR 60448).

Questions to Clean Air Act Notices should be addressed to Ted Koss of my staff [Phone: (202) 586-7964; Internet address: theodore.koss@eh.doe.gov]. Questions on the Clean Water Initiatives should be referred to Colleen Ostrowski [Phone: (202) 586-4997; Internet: colleen.ostrowski@eh.doe.gov]. Harold Peterson will address the radiation protection regulations [Phone: (202) 586-9640; harold.peterson@eh.doe.gov].

Andrew Wallo III
Director
Air, Water and Radiation Division

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Alex Crawley, Bartlesville Project Office
Thomas Wesson, Bartlesville Project Office
Alexandra Smith, Bonneville Power Administration,
Thru: BPA, RM 8G033
Joseph Martin, Morgantown Energy Technology Ctr Jim
Killen, Naval Petroleum Reserves in California
D. Miles, Naval Petroleum Reserves in Wyoming,
Utah, & Colorado, Casper, WY

Melvin Keller, Pittsburgh Energy Technology Center
Andrew Seepo, Schenectady Naval Reactors Office,
Jim Lloyd, Southeastern Power Administration
D. Dossett, Southwestern Power Administration
David Brine, Strategic Petroleum Reserve Project
Management Office
Bill Karsell, Western Power Administration
W. Stevca Goodrum, Manager, Amarillo Area Office
(AAO)
Nat Brown, Miamisburg Environmental Management Project (MB)
David Gurule, Manager, Kansas City Area Office (KCAO)
Kathleen Carlson, Manager, Kirtland Area Office (KAO)
Milton Johnson, Princeton Area Office
E. Bray, Grand Junction Projects Office
Phillip Hill, Livermore Site Office (LSO)
George Dials, Waste Isolation Pilot Plant Project Office
(WIPP-AL)
Beth Bennington, WIPP Project Office (WIPP-AL)
Remedial Action Project Office
Wendy Dixon, Yucca Mountain Project Office
Jeff Baker, NREL, Golden Office
Ward Best, Ashtabula Area Office (AB)

cc: **Other Organizations**

National Low-Level Waste Management Program, EG&G Idaho
Hazardous Waste Remedial Action Program, (HAZWRAP)
Remedial Action Program Information Center
Center for Environmental Management Information

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