PART 180—[AMENDED]

Section 180.475 Difenoconazole; tolerances for residues.

(a) * * * (1) * * *

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<td>Pea, field, vines</td>
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(2) * * *

<table>
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[FR Doc. 2015–07354 Filed 4–1–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300


RIN 2050–AG76

National Oil and Hazardous Substances Pollution Contingency Plan (NCP); Amending the NCP for Public Notices for Specific Superfund Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is adding language to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to broaden the methods by which the EPA can notify the public about certain Superfund activities.

DATES: This final rule is effective on May 4, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–SFUND–2014–0620. All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Superfund Docket (Docket ID No. EPA–HQ–SFUND–2014–0620). This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 553–7672 (hearing impaired). In the Washington, DC metropolitan area, call (703) 412–8910 or TDD (703) 412–3323.

FOR FURTHER INFORMATION CONTACT:

General Information: Superfund, Toxics Release Inventory (TRI), Emergency Planning and Community Right-to-Know Act (EPCRA), Risk Management Program (RMP) and Oil Information Center at (800) 424–9346 or TDD (800) 553–7672 (hearing impaired).
I. Why is EPA publishing this final rule?

On October 1, 2014, EPA published a proposed rule entitled National Oil and Hazardous Substances Pollution Contingency Plan (NCP): Amending the NCP for Public Notices for Specific Superfund Activities (79 FR 59179) (hereafter the proposed rule). The EPA proposed to amend the NCP to expand the methods by which the EPA can notify the public about certain Superfund activities.

The NCP requires the lead Agency to publish a notice “in a major local newspaper of general circulation” when certain Superfund site-related activities occur. Many of these requirements were established in 1990 or earlier versions of the NCP when it was common practice for government agencies to publish notices of planned actions in newspapers. Today, multiple ways are used to notify the public about Superfund site-related activities that may be as or more effective than publishing notices in newspapers. For example, the public may be notified of certain actions the lead agency takes by distributing flyers door-to-door, mailing notices to homes, sending email notifications, making telephone calls or posting on Web sites. In certain cases, publishing a notice in a major newspaper of general circulation may not be the most effective way of notifying a community about a specific Superfund action, and may be less cost effective than other notification methods. EPA received seven comments on the proposed rule. EPA is addressing the comments and finalizing the amendment.

II. Background

A. What does this amendment do?

In the October 1, 2014, proposed rule, six sections of the NCP were proposed to be amended to change the public notice language in the NCP to allow adequate notice to a community via a major local newspaper of general circulation or by using one or more other mechanisms. Specifically, this amendment will add language to:

§ 300.415(n)(2)(ii) That requires notification of the engineering evaluation/cost analysis (EE/CA) where the lead agency determines that a CERCLA removal action is appropriate and that a planning period of at least six months exists prior to initiation of the on-site removal activities.

§ 300.425(e)(4)(ii) that requires notification of releases that may be deleted from the National Priorities List (NPL).

§ 300.815(a) that requires notification of the availability of the administrative record file for the selection of a remedial action at the commencement of the remedial investigation.

§ 300.820(a)(1) that requires notification of the availability of the administrative record file when an EE/CA is made available for public comment, if the lead agency determines that a removal action is appropriate and that a planning period of at least six months exists before on-site removal activities must be initiated.

§ 300.820(b)(1) that requires notification of the availability of the administrative record file for all other removal actions not included in § 300.820(a).

B. What comments did EPA receive and how are they addressed?

EPA received seven comments on the proposed rule. Four of the commenters fully supported the proposed rule to add language to the NCP to broaden the methods by which the EPA can notify the public about certain Superfund activities. One commenter wrote “It is difficult even for organized groups to constantly scan the local newspaper for publication notices. To have our rights for participation denied because we do not have time to peruse the local newspaper each and every day seems contrary to EPA’s mission to inform and protect the public.” Another commenter wrote “The currently required method of publishing notices in ‘major local newspapers of general circulation’ is antiquated and frequently ineffective. By broadening the permitted methods of notification, linked when possible to Community Involvement Plans, EPA can better reach populations affected by the Superfund process.” A third commenter wrote “The proposed rule would broaden the notification methods the lead agency will be able to use in order to adopt a notification approach that is most effective at informing a community...” We fully support an expanded approach to notification that might include door to door flyers, mailing notices to homes, sending emails or making telephone calls.”

One commenter questioned why the proposed rule did not extend additional methods of public notification to the activities included under:

1) section 117 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) including:

Section 117(a) notification of the availability of the amended Record of Decision (40 CFR 300.435(c)(2)(ii)(B));

Section 117(b) notification of an explanation of significant differences after adoption of a final remedial action plan (40 CFR 300.435(c)(2)(ii)(B));

(2) notice of availability of the Record of Decision (40 CFR 300.435(c)(2)(ii)(C));

(3) notices after EPA receives a letter of intent to apply for a Technical Assistance Grant (40 CFR 35.4110); and

(4) notices of the starts and completions of five-year reviews or availability of draft or final five-year review reports.

EPA is required to follow the statutory public notice requirements associated with CERCLA section 117. Publication in a major local newspaper of general circulation will continue to be required for 1) notice of availability of the proposed plan (40 CFR 300.430(f)(3)(ii)(A)), 2) notice of availability of the amended Record of Decision (40 CFR 300.435(c)(2)(ii)(B)), 3) notice after EPA receives a letter of intent to apply for a Technical Assistance Grant (40 CFR 35.4110), and 4) notices of the starts and completions of five-year reviews or availability of draft or final five-year review reports.

EPA did not propose revisions to 40 CFR 35.4110 that requires the Agency to publish a notice in a major local newspaper of general circulation when it receives a letter of intent to apply for a Technical Assistance Grant (TAG). EPA will consider whether revisions to 40 CFR 35.4110 are necessary to expand the methods by which it notifies the public of the receipt of a letter of intent to apply for a TAG. If EPA decides the revisions are necessary, a proposed rule will be published.

Finally, there are no regulatory requirements to publish a notice in a major local newspaper of general circulation about the start and completion of a five-year review or the availability of a draft or final five-year review report. The Comprehensive Five-
them understand the Superfund
is important to provide training for
information in prominent languages
able to help communicate site-related
related information to community
the Agency can provide translators at
languages spoken in a community. The
languages spoken in a community. This
does seek to translate site-related
In communities where languages other
languages other than English are spoken, the Agency
Agency suggests that while it need not be included in the new NCP
language, EPA staff responsible for
can continuously evaluate the effectiveness of the public
vehicles they use because “[i]n this world of new media the best way
to reach people varies by group and is
continuously changing.” The Agency
agrees it is important to receive
feedback from the community on a
regular basis on the best ways to
communicate with them. During the
interviews conducted with community
members as part of the development of a Community Involvement Plan, EPA
staff receive feedback on the best
methods to communicate with the
public. EPA staff also take advantage of
opportunities at public meetings and
through informal ongoing discussions with community members about the
ways they would like to receive
information about site-related activities. Based on this feedback, the Agency adjusts its
notification methods, if necessary.
Two commenters wrote the Agency
ought to provide public notifications in
English and in other prominent
languages spoken in a community. The
Agency agrees with these commenters. In
communities where languages other
than English are spoken, the Agency
does seek to translate site-related
information into the languages spoken in the communities. When appropriate, the
Agency can provide translators at
public meetings to communicate site-
related information to community
members who do not speak English.
Some Agency staff are bilingual and are
able to help communicate site-related
information in prominent languages
spoken in a community.
One commenter wrote that some
communities are not knowledgeable about the Superfund process, and that it
is important to provide training for
community members in order to help
them understand the Superfund
process, and how they can be involved in the process. The Agency agrees with
this commenter. EPA staff frequently
provide presentations in communities about the Superfund process and how
community members can be involved in the process. In addition, through
programs like Technical Assistance Services for Communities (TASC), EPA
works closely with communities to
make sure they have the technical help they need. Sometimes, a community
may need additional help to fully
understand local environmental issues
and participate in decision-making. The
purpose of the TASC program is to meet this need.
Finally, one commenter supported
continuing to publish notices in major
domestic newspapers because some
communities continue to rely on local
newspapers to get their information.
This final rule allows the Agency to
publish notices in “major local
gazettes and newspapers of general circulation,” if the
local newspaper is determined to be the
most effective vehicle for informing a community about certain Superfund
activities.
Thus, the amendment being
promulgated is a useful and important
change that will give the Agency the
ability to determine the best method to
notify the public about certain Superfund activities. EPA is
promulgating the change to add
language to 40 CFR part 300 as was
proposed.

III. Statutory and Executive Order
Reviews
As explained previously, this rule
takes final action on an amendment for
which we received comments in
response to our October 1, 2014,
National Oil and Hazardous Substances Pollution Contingency Plan (NCP);
Amending the NCP for Public Notices for Specific Superfund Activities.
Under Executive Order 12866 (58 FR
51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21,
2011), this action is not a “significant
regulatory action” and is therefore not
subject to OMB review. This action
merely adds language to 40 CFR
300.415(n)[2][I], 300.415[n][4](ii),
300.425[e][4][ii], 300.815(a),
300.820(a)[1], and 300.820[b][1]
to expand the methods by which the lead
agency can notify the public about
certain Superfund activities. This action
will enable the lead agency to identify
effective methods to notify the public.
This action does not impose any
requirements on any entity, including
small entities. Therefore, pursuant to
the Regulatory Flexibility Act (5 U.S.C.
601 et seq .), after considering the
economic impacts of this action on
small entities, EPA certifies that this
action will not have a significant
economic impact on a substantial
number of small entities. This action
does not contain any unfunded
mandates or significantly or uniquely
affect small governments as described in
Sections 202 and 205 of the Unfunded
Mandates Reform Act of 1999 (UMRA)
(Pub. L. 104–4). This action does not
create new binding legal requirements
that substantially and directly affect
Tribes under Executive Order 13176 (63
FR 67249, November 9, 2000). This
action does not have significant
Federalism implications under
Executive Order 13132 (64 FR 43255,
August 10, 1999). Because this action
has been exempted from review under
Executive Order 12866, this final rule is
not subject to Executive Order 13211,
etitiled Actions Concerning Regulations That Significantly Affect Energy Supply,
Distribution, or Use (66 FR 28355, May
22, 2001) or Executive Order 13045,
etitiled Protection of Children from
Environmental Health Risks and Safety
Risks (62 FR 19885, April 23, 1997).
This action does not contain any
information collections subject to OMB
approval under the Paperwork
Reduction Act (PRA), 44 U.S.C. 3501
et seq., nor does it require any special
considerations under Executive Order
12898, entitled Federal Actions to
Address Environmental Justice in
Minority Populations and Low-Income
Populations (59 FR 7629, February 16,
1994). This action does not involve
technical standards; thus, the
requirements of Section 12(d) of the
National Technology Transfer and
272) do not apply.

List of Subjects in 40 CFR Part 300
Environmental protection, Air
pollution control, Chemicals, Hazardous
substances, Hazardous waste,
Intergovernmental relations, Penalties,
Reporting and recordkeeping
requirements, Superfund, Water
pollution control, Water supply.
§ 300.415 Removal action.

* * * * *

(a) * * *

(ii) Publish a notice of availability of the administrative record file established pursuant to § 300.820 in a major local newspaper of general circulation or use one or more other mechanisms to give adequate notice to a community pursuant to § 300.820; 

* * * * *

(ii) Publish a notice of availability and brief description of the EE/CA in a major local newspaper of general circulation or use one or more other mechanisms to give adequate notice to a community pursuant to § 300.820; 

* * * * *

(ii) Publish a notice of availability of the administrative record file shall be made available for public inspection when the engineering evaluation/cost analysis (EE/CA) is made available for public comment. At such time, the lead agency shall publish in a major local newspaper of general circulation a notice or use one or more other mechanisms to give adequate notice to a community of the availability of the administrative record file.

* * * * *

(b) * * *

(i) Documents included in the administrative record file shall be made available for public inspection no later than 60 days after initiation of on-site removal activity. At such time, the lead agency shall publish in a major local newspaper of general circulation a notice or use one or more other mechanisms to give adequate notice to a community of the availability of the administrative record file.

* * * * *

DEPARTMENT OF TRANSPORTATION
Pipeline and Hazardous Materials Safety Administration

49 CFR Part 173
[Docket No. PHMSA–2013–0205; Notice No. 15–10]

Clarification on Policy for Additional Name Requests Regarding Fireworks

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Clarification.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration’s (PHMSA), Office of Hazardous Materials Safety (OHMS), is revising its application-approval procedures for previously approved fireworks designs and clarifying requirements for assigning Explosives (EX) Approval or Fireworks Certification (FC) numbers. It is not required or necessary for a fireworks manufacturer, or designated agent, to submit a new EX Approval application each time an additional item name is associated with a fireworks design type (described under UN0336, UN0335, and UN0431). PHMSA will no longer process additional item name EX Approval applications, effective immediately.

DATES: Effective April 2, 2015.


SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2013, PHMSA published a final rule under docket HM–257 titled, “Hazardous Materials: Revision to Fireworks Regulations (RRR).” The intent of the final rule was to provide regulatory flexibility in seeking authorization for the transportation of Division 1.4G consumer fireworks (UN0336 Fireworks). The final rule created a new type of DOT-approved certification agency, the Firework Certification Agency (FCA), which serves as an optional alternate approvals agency for fireworks manufacturers or designated U.S. agents to submit approval applications. These approvals issued by FCAs use a “FC” numbering system different from PHMSA’s “EX” system. As mentioned above, the intent of the final rule was to provide regulatory flexibility in the approval process for 1.4G consumer fireworks. PHMSA found that the level of effort required to process that high-volume of Approval applications was not commensurate with the safety benefits required by the APA Standard 87–1 or the Hazardous Materials Regulations (HMR, 49 CFR parts 171–180).

PHMSA’s Approvals and Permits Division evaluates and approves as many as 1,000 applications annually for devices that are chemically and physically identical. The only variant is the item or device’s name. PHMSA identified an additional area where can streamline and expedite the approval process. Typically, fireworks manufacturers request a revised EX Approval application each time they add or change the name of a fireworks. PHMSA has historically accepted each EX Approval application for each approved fireworks, to include the original diagram and chemical compositions sheets. This process provides no additional safety benefit. As a result, PHMSA will no longer provide these approvals.

By eliminating this redundant process, PHMSA will devote the saved time and resources toward other applications. As a result, we will reduce the wait-time for other Approval applications with more substantial safety benefits.

II. Guidelines for Adding or Changing a Firework Product’s Name

In accordance with § 172.320, the EX-number, FC-number, product code or national stock number must be either