

## 2. REGULATIONS

### A. Transportation of Radioactive Materials (RSPA)

On January 26, 2004, (69 FR 3631-3696), the Research and Special Programs Administration (RSPA), U.S. Department of Transportation (DOT), issued a final rule (49 CFR parts 171-178) that amends requirements in the Hazardous Materials Regulations (HMR) pertaining to the transportation of radioactive materials. The amendments are based on changes contained in the International Atomic Energy Agency (IAEA) 1996 publication (TS-R-1) titled *IAEA Safety Standard Series: Regulations for the Safe Transport of Radioactive Material*. The purpose of this final rule is to harmonize requirements of the HMR with international standards for radioactive materials as well as to promulgate other DOT-initiated requirements.

For further information, contact Dr. Fred Ferate, Office of Hazardous Materials Technology (DHM-20), Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, telephone: (202) 366-4545, electronic mail: fred.ferate@rspa.dot.gov.

### B. Interstate Transport of Fine Particulate Matter and Ozone (EPA)

On January 30, 2004, (69 FR 4565-4650), the U.S. Environmental Protection Agency (EPA) promulgated a proposed rule (40 CFR parts 51, 72, 75, and 96) that would find that 29 states and the District of Columbia contribute significantly to nonattainment of the national ambient air quality standards (NAAQS) for fine particulates (PM<sub>2.5</sub>) and/or 8-hour ozone in downwind states. EPA is proposing to require these upwind states to revise their state implementation plans (SIPs) to include control measures to reduce emissions of sulfur dioxide (SO<sub>2</sub>) and/or nitrogen oxides (NO<sub>x</sub>). Sulfur dioxide is a precursor to PM<sub>2.5</sub> formation, and NO<sub>x</sub> is a precursor to both ozone and PM<sub>2.5</sub> formation. Reducing upwind precursor emissions will assist the downwind PM<sub>2.5</sub> and 8-hour ozone nonattainment areas in achieving the NAAQS. Moreover, attainment would be achieved in a more equitable, cost-effective manner than if each nonattainment area attempted to achieve attainment by implementing local emissions reductions alone.

Based on state obligations to address interstate transport of pollutants under section 110(a)(2)(D) of the Clean Air Act (CAA), EPA is proposing statewide emissions reduction requirements for SO<sub>2</sub> and NO<sub>x</sub>. EPA is proposing that the emissions reductions be implemented in two phases, with the first phase in 2010 and the second phase in 2015. The proposed emissions reduction requirements are based on controls that are known to be highly cost effective for electric generating units. This action also discusses model multi-state cap and trade programs for SO<sub>2</sub> and NO<sub>x</sub> that states could choose to adopt to meet the proposed emissions reductions in a flexible and cost-effective manner.

For further information, contact Mr. Scott Mathias, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone: (919) 541-5310, electronic mail: mathias.scott@epa.gov.

### C. Critical Infrastructure Information (DHS)

On February 20, 2004, (69 FR 8073-8089), the U.S. Department of Homeland Security (DHS) issued an interim rule (6 CFR part 29) that establishes procedures to implement section 214 of the Homeland Security Act of 2002 regarding the receipt, care, and storage of critical infrastructure information voluntarily submitted to the DHS. The protection of critical infrastructure reduces the vulnerability of the United States to acts of terrorism. The purpose of this regulation is to encourage private sector entities to share information pertaining to their particular and unique vulnerabilities, as well as those that may be systemic and sector-wide. This information will be analyzed by the DHS to develop a more thorough understanding of the critical infrastructure vulnerabilities of the nation.

By offering an opportunity for protection from disclosure under the Freedom of Information Act for information that qualifies under section 214 of the Homeland Security Act, the DHS will assure private sector entities that their information will be safeguarded from abuse by competitors or the open market. In addition, information from individual private sector entities, when combined with information from other entities, will create a broad perspective from which the federal government, state and local governments, and individual entities and organizations in the private sector can gain a better understanding of how to design and develop structures and improvements to strengthen and defend those infrastructure vulnerabilities from future attacks.

For further information, contact Ms. Janice Pesyna, Office of the General Counsel, U.S. Department of Homeland Security, Washington, DC 20528, telephone: (202) 205-4857.

### D. Taking of Threatened or Endangered Species (NOAA)

On March 11, 2004, (69 FR 11540-11546), the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, issued a final rule (50 CFR part 223) to prohibit shallow longline sets of the type normally targeting swordfish on the high seas in the Pacific Ocean east of 150° West longitude by vessels managed under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (FMP). This action is intended to protect endangered and threatened sea turtles from the adverse impacts of shallow longline fishing by U.S. longline vessels in the Pacific Ocean and operating out of the west coast. This rule supplements the regulations that implement the FMP that prohibit shallow longline sets on the high seas in the Pacific Ocean west of 150° West longitude by vessels managed under the FMP. The FMP was partially approved by NMFS on February 4, 2004. Together, these two regulations are expected to conserve leatherback and loggerhead sea turtles as required under the Endangered Species Act (ESA).

For further information, contact Mr. Daniel Waldeck, Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384, telephone: (503) 820-2280, electronic mail: [daniel.waldeck@noaa.gov](mailto:daniel.waldeck@noaa.gov).

E. Elimination of Crew List Visas (DOS)

On March 18, 2004, (69 FR 12797-12799), the U.S. Department of State (DOS) issued an interim final rule (22 CFR part 41) that makes final on an interim basis the proposed regulations regarding the elimination of crew list visas. Authority for the issuance of a crew list visa is derived from the Immigration and Nationality Act. The DOS is eliminating the crew list visa for security reasons. Following the September 11, 2001, attacks, the Department made a review of its regulations to ensure that every effort is being made to screen out undesirable aliens. By eliminating the crew list visa, the DOS will ensure that each crewmember entering the United States will be required to complete the nonimmigrant visa application forms, submit a valid passport, and undergo an interview and background checks. Additionally, the Enhanced Border Security and Visa Entry Reform Act of 2002 requires that all visas issued after October 26, 2004, have a biometric indicator. This means that crew list visas would necessarily be eliminated by that date.

For further information, contact Mr. Ron Acker, Legislation and Regulations Division, Visa Services, U.S. Department of State, Washington, DC 20520-0106, telephone: (202) 663-1205, electronic mail: [ackerrl@state.gov](mailto:ackerrl@state.gov).