FOR FURTHER INFORMATION CONTACT: Lachala Kemp at (913) 551–7214, or by e-mail at kemp.lachala@epa.gov.

SUPPLEMENTARY INFORMATION: In the final rules section of the Federal Register, EPA is approving the state’s SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comments on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this Federal Register.


Karl Brooks,
Regional Administrator, Region 7.

[FR Doc. 2010–24920 Filed 10–20–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Parts 257, 261, 264, 265, 268, 271, and 302
RIN 2050–AE81
Notice of Data Availability on Coal Combustion Residual Surface Impoundments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability.

SUMMARY: This document announces the availability of new information and data posted in the docket for EPA’s proposed rulemaking (75 FR 51434, August 20, 2010) on the Disposal of Coal Combustion Residuals from Electric Utilities. The Agency is seeking public comment on how, if at all, this additional information should affect the Agency’s decisions as it develops a final rule. The information has been posted on EPA’s Web site, and is now currently available in the docket; it consists of responses to Information Collection Requests that EPA sent to electric utilities on their coal combustion residual surface impoundments as well as reports and materials related to the site assessments EPA has conducted on a subset of these impoundments.

DATES: Submit comments on or before November 19, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–RCRA–2009–0640, by one of the following methods:

• http://www.regulations.gov: Follow the on-line instructions for submitting comments.
• E-mail: Comments may be sent by electronic mail (e-mail) to rcra-docket@epa.gov. Attention Docket ID No. EPA–HQ–RCRA–2009–0640. In contrast to EPA’s electronic public docket, EPA’s e-mail system is not an “anonymous access” system. If you send an e-mail comment directly to the Docket without going through EPA’s electronic public docket, EPA’s e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA’s e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket.
• Fax: Comments may be faxed to 202–566–9744; Attention Docket ID No. EPA–HQ–RCRA–2009–0640.
• Mail: Send your comments to the Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities Docket, Attention Docket ID No., EPA–HQ–RCRA–2009–0640. EPA’s e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA’s e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket.

For further information contact: Lachala Kemp at (913) 551–7214, or by e-mail at kemp.lachala@epa.gov.
The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744.

FOR FURTHER INFORMATION CONTACT: Jim Kohler, Office of Resource Conservation and Recovery (5304P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0002, telephone (703) 347–8953, e-mail address kohler.james@epa.gov. For more information on this rulemaking, please visit http://www.epa.gov/coalashrule.

SUPPLEMENTARY INFORMATION:
I. What should I consider as I prepare my comments for EPA?

1. Tips for Preparing Your Comments.
   When submitting comments, remember to:
   • Identify the rulemaking by docket number and other identifying information (subject heading, Federal Register date and page number).
   • Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
   • Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
   • Describe any assumptions and provide any technical information and/or data that you used.
   • If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
   • Provide specific examples to illustrate your concerns, and suggest alternatives.
   • Explain your views as clearly as possible.
   • Make sure to submit your comments by the comment period deadline identified.

2. Docket Copying Costs. The first 100-copied pages are free. Thereafter, the charge for making copies of Docket materials is 15 cents per page.

II. How should I submit CBI to the agency?

Do not submit information that you consider to be CBI electronically through http://www.regulations.gov or by e-mail. Send or deliver information identified as CBI only to the following address: RCRA CBI Document Control Officer, Office of Resource Conservation and Recovery (5305P), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Attention Docket ID No. EPA—HQ—RCRA—2009–0640. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on a disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed, except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA’s electronic public docket. If you submit the copy that does not contain CBI on a disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA’s electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please contact: LaShan Haynes, Office of Resource Conservation and Recovery (5305P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0002, telephone (703) 605–0516, e-mail address haynes.lashan@epa.gov.

III. Coal Combustion Residual Surface Impoundment Information

A. Background on Information Collection Request Responses

After the failure of the coal combustion residual (CCR) surface impoundment at the Tennessee Valley Authority’s Kingston facility in December 2008, EPA undertook an effort to assess the structural integrity of the other CCR surface impoundments. This effort had three components: (1) An Information Collection Request (ICR#2020–0003) that was sent to facilities known to have surface impoundments or similar management units asking for specific information on the structural stability of those units; (2) on-site assessments of the structural integrity of these units; and (3) reports and recommendations for actions at the facility. EPA is still in the process of completing these assessments; however, EPA is placing the data that are currently available in the docket for the rulemaking, and is soliciting public comment on these data in connection with this rulemaking.

EPA sent Information Collection Requests in March, April and December of 2009 to electric utilities that have surface or similar management units that contain CCRs. All of the responses covering 228 facilities and 629 surface impoundments and similar management units are currently posted in the docket. (Note: These responses have been posted on EPA’s Web site since they have been received by the Agency. Thus, these responses have already been publicly available.) The 228 facilities that responded to EPA’s information collection request have 629 surface impoundments and similar management units; 200 units (32 percent) have been given a hazard potential rating using the U.S. Army Corps of Engineers National Inventory of Dams criteria. Of the 200 units that have been rated, 50 units (25 percent) are rated as having a High Hazard Potential; 71 units (36 percent) are rated as having a Significant Hazard Potential; 71 units (36 percent) are rated as having a Low Hazard Potential; and 8 units (4 percent) are rated as having a Less than Low Hazard Potential. 429 units (68 percent) have not received a hazard potential rating. The hazard potential ratings do not assess the stability of these units; rather, the ratings assess the potential for loss of life or environmental and economic damage. Units rated as having a High Hazard Potential are those where failure will probably cause loss of life.

Of the 629 surface impoundments and similar units covered in these responses, 443 (70 percent) were designed by a professional engineer. The units show considerable variation in height, with 80 units (13 percent) being reported as greater than 50 feet in height; 133 units (21 percent) being reported as greater than 25 feet, but less than 50 feet in height; 125 units (20 percent) being reported as greater than 10 feet, but less than 25 feet in height; 268 units (43 percent) being reported as greater than 6 feet, but less than 26 feet in height; 39 units (6 percent) being reported as greater than 0 feet, but less than 7 feet in height; and 105 units (17 percent) being reported as having no height.

A majority of the information contained in the company responses has been inserted into a database. All the fields and entries in this database have been extracted and posted in the docket as PDF and Microsoft Excel spreadsheets which enable users to easily search for aggregate or facility-specific information.

B. Background on CCR Impoundment Assessment Information

As part of EPA’s ongoing national effort to assess the management of CCRs, EPA has assessed the structural integrity of many impoundments and similar management units containing CCRs at electric utilities. This effort is still ongoing; however, less than making available for comment those 53 assessment reports that have been
environmental protection
agency
40 CFR Part 300
RIN 2050–AD75
National Priorities List, Proposed Rule
No. 53
AGENCY: Environmental Protection Agency.
ACTION: Proposed rule.
SUMMARY: The Comprehensive Environmental Response,
Compensation, and Liability Act ("CERCLA" or "the Act"), as amended,
requires that the National Oil and Hazardous Substances Pollution
Contingency Plan ("NCP") include a list of national priorities among the
known releases or threatened releases of hazardous substances,
contaminants, or pollutants, or contaminants throughout the United
States. The National Priorities List ("NPL") constitutes this list. The NPL is
intended primarily to guide the Environmental Protection Agency
("EPA" or "the Agency") in determining which sites warrant further
investigation. These further investigations will allow EPA to assess
the nature and extent of public health and environmental risks associated
with the site and to determine what CERCLA-financed remedial action(s), if any, may be
appropriate. This rule proposes to
add nine sites to the General Superfund section of the NPL. This rule also
withdraws one site from proposal to the General Superfund section of the NPL.
DATES: Comments regarding any of these proposed listings must be submitted
(postmarked) on or before December 20, 2010.
ADDRESSES: Identify the appropriate Docket Number from the table below.

<table>
<thead>
<tr>
<th>Site name</th>
<th>City/County, State</th>
<th>Docket ID No.</th>
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<tbody>
<tr>
<td>Dwyer Property Ground Water Plume</td>
<td>Elkton, MD</td>
<td>EPA–HQ–SFUND–2010–0639</td>
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