TABLE 1—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(B) If ConocoPhillips fails to submit the information described in paragraph (A) or if any other information is received from any source, the EPA will make a preliminary determination as to whether the reported information requires EPA action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (C) If the EPA determines that the reported information requires the EPA action, the EPA will notify the facility in writing of the actions the agency believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed the EPA action is not necessary. The facility shall have 30 days from the date of the notice to present such information. (D) If after 30 days ConocoPhillips presents no further information or after a review of any submitted information, the EPA will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the EPAs determination shall become effective immediately, unless the EPA provides otherwise. (E) Notification Requirements: ConocoPhillips must do the following before transporting the delisted waste: Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the decision. (1) Provide a one-time written notification to any State Regulatory Agency to which or through which it will transport the delisted waste described above for disposal, 60 days before beginning such activities. (2) Update the one-time written notification, if it ships the delisted waste to a different disposal facility. (3) Failure to provide this notification will result in a violation of the delisting variance and a possible revocation of the decision.

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BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[EPA–R10–UST–2011–0896; FRL–9502–6]

Idaho: Tentative Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The State of Idaho has applied for final approval of its Underground Storage Tank (UST) Program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Idaho's application and made the tentative decision that the State's UST program satisfies all requirements necessary to qualify for final approval.

DATES: A public hearing will be held on December 19, 2011 from 9 a.m.–12 p.m. at the Idaho Department of Environmental Quality, Conference Room B, 1410 North Hilton, Boise, Idaho 83706. The State of Idaho will be invited to participate in any public hearing held by EPA on this subject. Please see **SUPPLEMENTARY INFORMATION**, Item C, for details.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–UST–2011–0896, by one of the following methods:

- *http://www.regulations.gov* Follow the online instructions for submitting comments.
- *Email: sirs.erik@epa.gov.*
- *Mail:* Erik Sirs, U.S. Environmental Protection Agency, Region 10, 1435 North Orchard, Boise, ID 83706.

Instructions: Direct your comments to Docket ID No. EPA–R10–UST–2011–0896. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identify or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters or any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* 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 *http://www.regulations.gov* or in hard copy.

Please see **SUPPLEMENTARY INFORMATION**, Item D, for details on the location of the documents in hard copy form.

FOR FURTHER INFORMATION CONTACT: Erik Sirs, U.S. Environmental Protection Agency, Idaho Operations Office, 1435 North Orchard, Boise, ID 83706.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of RCRA enables EPA to approve implementation of State UST programs in lieu of the Federal UST program. Approval is granted when it has been determined that the State

program: (1) Is no less stringent than the overall Federal program and includes the notification requirements of Section 9004(a)(8), 42 U.S.C. 6991c(a)(8), and (2) provides for adequate enforcement of compliance with UST standards of Section 9004(a), 42 U.S.C. 6991c(a).

B. State of Idaho

The Idaho Department of Environmental Quality (IDEQ) is the lead implementing agency for the UST program in Idaho. IDEQ has broad statutory authority to regulate UST releases under Idaho Code, Title 39, Chapter 1, Environmental Quality—Health; Title 39, Chapter 72, Idaho Land Remediation Act; Chapter 88, Idaho Underground Storage Tank Act; and the Idaho Rules for Civil Procedure. Specific authorities to regulate the installation, operation, maintenance, and closure of USTs is found under the Idaho Administrative Procedures Act 58.01.02 Water Quality Standards; 58.01.07 Rules Regulating Underground Storage Tank Systems; 58.01.18 Idaho Land Remediation Rules; 58.01.23 Rules of Administrative Procedure Before the Board of Environmental Quality; 58.01.24 Standards and Procedure for Application of Risk Based Corrective Action at Petroleum Release Sites.

Idaho is not authorized to carry out its UST program in Indian Country. This includes all lands within the exterior boundaries of the Coeur d'Alene, Duck Valley, Fort Hall, Kootenai, and Nez Perce Reservations; any land held in trust by the United States for an Indian Tribe, and any other lands that are Indian Country within the meaning of 18 U.S.C. 1151.

C. Public Hearing

It is EPA's policy to make reasonable accommodation to persons with disabilities wishing to participate in the Agency's programs and activities, pursuant to the Rehabilitation Act of 1973, 29 U.S.C. 791, *et seq.* Any request for accommodation should be made to Erik Sirs, (208) 378–5762, preferably a minimum of two weeks in advance of the public hearing date, so that EPA will have sufficient time to process the request.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

D. Location of Documents

All documents that are in the electronic docket are also available in hard copy during normal business hours at the following locations:

1. U.S. Environmental Protection Agency, Idaho Operation Office, Region 10, 1435 North Orchard, Boise, ID 83706 from 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m.
2. Idaho Department of Environmental Quality, 1410 North Hilton, Boise, ID 83706 from 10 a.m. to 12 p.m. and 1 p.m. to 4 p.m.
3. IDEQ Boise Regional Office, 1445 North Orchard, Boise, ID 83706 from 10 a.m. to 12 p.m. and 1 p.m. to 4 p.m.
4. IDEQ Coeur d'Alene Regional Office, 2110 Ironwood Parkway, Coeur d'Alene, ID 83814 from 10 a.m. to 12 p.m. and 1 p.m. to 4 p.m.; and
5. IDEQ Idaho Falls Regional Office, 900 N. Skyline, Suite B, Idaho Falls, ID 83402 from 10 a.m. to 12 p.m. and 1 p.m. to 4 p.m.; and
6. IDEQ Lewiston Regional Office, 1118 ''F'' Street, Lewiston, ID 83501 from 10 a.m. to 12 p.m. and 1 p.m. to 4 p.m.; and
7. IDEQ Pocatello Regional Office, 444 Hospital Way, #300, Pocatello, ID 83201, from 10 a.m. to 12 p.m. and 1 p.m. to 4 p.m.; and
8. IDEQ Twin Falls Regional Office, 1363 Fillmore Street, Twin Falls, ID 83301, from 10 a.m. to 12 p.m. and 1 p.m. to 4 p.m.

E. Statutory and Executive Order (EO) Review

This proposed rule only applies to Idaho's UST Program requirements pursuant to RCRA Section 9004 and imposes no requirements other than those imposed by State law. It complies with applicable EOs and statutory provisions as follows:

1. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this rule from its review under Executive Order 12866.

2. Paperwork Reduction Act

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* because this proposed rule does not establish or modify any information or recordkeeping requirements for the regulated community and only seeks to authorize the pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing, and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in Title 40 of the CFR are listed in 40 CFR part 9.

3. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires Federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's proposed rule on small entities, small entity is defined as: (1) A small business defined by the Small Business Administration's size regulations at 13 CFR part 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities because the proposed rule will only have the effect of authorizing pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law. EPA continues to be interested in the potential impacts of the proposed rule on small entities and welcomes comments on issues related to such impacts.

4. Unfunded Mandates Reform Act

This proposed rule does not have any impacts as described in the Unfunded Mandates Reform Act because this rule codifies pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law. It does not contain any unfunded mandates or significantly or uniquely affects small governments.

5. Executive Order 13132: Federalism

This proposed rule does not have Federalism implications. It will not have substantial direct effects on the States, on the relationship between the

national government and the States, or on the distribution of power and responsibilities among various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule proposes to authorize pre-existing State rules. Thus, Executive Order 13132 does not apply to this proposed rule. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed rule from State and local officials.

6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (59 FR 22951, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.'' This proposed rule does not have Tribal implications, as specified in Executive Order 13175 because EPA retains its authority over Indian Country. Thus, Executive Order 13175 does not apply to this proposed rule. EPA specifically solicits additional comment on this proposed rule from Tribal officials.

7. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it proposes to approve a state program.

8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a ''significant regulatory action'' as defined under Executive Order 12866.

9. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

10. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This proposed rule does not affect the level of protection provided to human health or the environment because this rule proposes to authorize pre-existing State rules which are no less stringent than existing Federal requirements.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: This notice is issued under the authority of Sections 2002(a), 7004(b), and 9004 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6974(b), and 6991c.

Dated: November 30, 2011.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2011–31531 Filed 12–7–11; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 830

Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Notice of proposed rulemaking.

SUMMARY: The NTSB is proposing to amend its regulations concerning notification and reporting requirements with regard to aircraft accidents or incidents, found at paragraph (a)(10) of section 830.5, entitled, ''Immediate notification.'' Currently, 49 CFR 830.5(a)(10) requires reports of Airborne Collision and Avoidance System (ACAS) advisories issued under certain specific circumstances. The NTSB now proposes to narrow the ACAS reporting requirement in section 830.5(a)(10).

DATES: Submit comments on or before February 6, 2012.

ADDRESSES: You may send comments using any of the following methods:

1. *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
2. *Mail:* Mail comments concerning this proposed rule to Scott Dunham, AS–30, National Transportation Safety Board, 490 L'Enfant Plaza SW., Washington, DC 20594–2000.
3. *Fax:* (202) 314–6308, Attention: Scott Dunham.
4. *Hand Delivery:* 6th Floor, 490 L'Enfant Plaza SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Scott Dunham, National Resource Specialist—ATC, Office of Aviation Safety, (202) 314–6387.

SUPPLEMENTARY INFORMATION:

Regulatory History

On January 7, 2010, the NTSB published a final rule entitled, ''Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records,'' in the **Federal Register** (75 FR 922). The final rule implemented several changes to section 830.5, requiring immediate notification of a variety of specific incidents, one of which was certain ACAS advisories. In accordance with the Administrative Procedure Act, prior to issuing the final rule, the NTSB published a notice of proposed rulemaking (NPRM) in the **Federal**