

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 11/15/2017 1:16:29 PM
Subject: Nov. 15 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

November 15, 2017 - Number 219

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Summaries

AIR
Illinois/Clean Air Act Settlement Agreement
AIR

Notice of the EPA announces a proposed settlement agreement with Veolia ES Technical Solutions LLC regarding a Clean Air Act Title V renewal permit issued Jan. 18, 2017, by the EPA for the Veolia facility in Sauget, Ill. The settlement resolves a petition by Veolia with the Environmental Appeals Board (EAB) challenging the operating permit. The agreement requires Veolia to install activated carbon injection systems on two of its incinerators to control emissions of vapor phase mercury in exchange for the EPA requesting a voluntary remand from the EAB of the renewal permit. If the settlement agreement is finalized, the EPA will issue a draft permit that also includes changes to Veolia's procedures for analyzing hazardous wastes burned in the incinerators. Comments are due Dec. 15, 2017. Contact: John Krallman; EPA, Office of General Counsel; 202-564-0904; krallman.john@epa.gov

82 FR 52901 (11/15/2017)

Regulatory Update

AIR
Washington State/Clean Air Act Consent Decree
AIR

Notice of the Justice Department announces a proposed consent decree in United States v. U.S. Seafoods LLC (Civil Action No. 17-civ-01677), lodged on Nov. 9, 2017, with the U.S. District Court for the Western District of Washington. The consent decree resolves claims for alleged violations of the Clean Air Act regarding refrigeration equipment owned and operated by the defendants on two commercial fishing vessels. The consent decree requires the defendants to pay a civil penalty of \$135,000 and to take measures to prevent future violations. Comments are due Dec. 15, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 52942 (11/15/2017)

Regulatory Update

ENDANGERED SPECIES

Double-Crested Cormorant Depredation

ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the availability of an environmental assessment and finding of no significant impact for issuance of depredation permits for double-crested cormorants. The EA concerns a proposal to make decisions on depredation permit applications for annual take of up to 51,571 double-crested cormorants in 37 central and eastern states and the District of Columbia. The finding provides for lethal take of cormorants to alleviate damage at or near aquaculture facilities, to protect human health and safety, to protect threatened and endangered species, and to alleviate damage to property. Contact: Ken Richkus; USFWS, Division of Migratory Bird Management; 703-358-1730; Ken_Richkus@fws.gov. Citations: 50 CFR 21.41

82 FR 52936 (11/15/2017)

Regulatory Update

FOOD SAFETY

Genetically Engineered Soybean/Determination of Status

FOOD SAFETY

Notice of the Animal and Plant Health Inspection Service announces the receipt of a petition from Verdeca LLC, of Dover, Del., requesting a determination of nonregulated status for the new plant variety HB4 soybean designated as IND-00410-5, which has been genetically engineered for increased yield. Comments are due Jan. 16, 2018. Contact: John Turner; APHIS, Biotechnology Regulatory Services; 301-851-3954; john.t.turner@aphis.usda.gov. Citations: 7 CFR 340

82 FR 52873 (11/15/2017)

Regulatory Update

FOOD SAFETY

Infant Formula Requirements

FOOD SAFETY

Notice announces the intention of the FDA to seek OMB approval for a continuing information collection request regarding infant formula requirements. The collection addresses requirements for manufacturers to establish and adhere to quality control procedures, to notify the FDA when a batch of infant formula that has left the manufacturers' control may be adulterated or misbranded, and to keep records of distribution. The collection also addresses labeling requirements to provide nutrient information and directions for use. The FDA provides an electronic form that allows manufacturers to submit reports and notifications in a standardized format (FDA 3978). Comments are due Jan. 16, 2018. Contact: Ila Mizrahi; FDA, Office of Operations; 301-796-7726; PRAStaff@fda.hhs.gov. Citations: 21 CFR 106, 107

82 FR 52927 (11/15/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

District of Columbia/Smithsonian Institution South Mall Campus Master Plan

GENERAL ENVIRONMENT AND SAFETY

Notice of the National Capital Planning Commission announces the availability of a draft environmental impact statement for the Smithsonian Institution's South Mall Campus Master Plan in Washington, D.C. The plan addresses opportunities over a 20- to 30-year period to preserve and protect buildings and the campus, to improve and expand visitor services and education, to create accessible entrances and connections between the museums and gardens, and to replace aging building systems to better protect collections and reduce the Smithsonian's carbon footprint. Meetings are scheduled for Dec. 11 and 18, 2017, in Washington, D.C. Comments are due Jan. 16, 2018. Contact: Matthew Flis; National Capital Planning Commission; 202-482-7236; matthew.flis@ncpc.gov

82 FR 52943 (11/15/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

EPA Consent Agreement/ENEL Green Power

GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces a proposed final order and proposed consent agreement with ENEL Green Power North America Inc. (EGPNA) for voluntary disclosure of violations of the CWA, CAA, RCRA, and EPCRA. EGPNA, of Andover, Mass., is an electric energy producing company specializing in producing clean energy from renewable sources. The agreement addresses the respondent's failure to prepare and implement spill prevention, control, and countermeasure plans under the CWA and to maintain records or report significant losses of isobutane during routine maintenance during operation under a Class II air quality operating permit in Nevada. The agreement also addresses the respondent's failure to conduct waste accumulation and storage inspections, to maintain universal waste disposal and handling practices for spent fluorescent lamps and tubes, and to maintain waste oil at 60 facilities in various states. In addition, the agreement addresses the respondent's failure to provide emergency planning notifications, to submit material safety data sheets, and to submit emergency and chemical inventory forms under EPCRA. The agreement requires the respondent to pay a civil penalty of \$76,997. Comments are due Dec. 15, 2017. Contact: Peter Moore; EPA, Office of Civil Enforcement; 202-564-6014; Moore.peter@epa.gov. Citations: 40 CFR 22 through 370

82 FR 52899 (11/15/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Marine and Hydrokinetic Applications Forum

GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Water Power Technologies Office (WPTO), announces a marine and hydrokinetic (MHK) distributed and alternate applications forum. The forum is intended to gather information on potential high-priority alternative markets for MHK technologies and will

bring together representatives from such markets, MHK technology developers and academia, and department and national laboratory staff. The agenda includes presentations and discussions concerning biofuels and aquaculture; potential markets for subsea sensors, autonomous underwater vehicle recharging, and subsea data centers; and desalination of seawater and seawater mineral extraction. The WPTO will produce a report summarizing potential market opportunities after the forum has concluded. The forum is scheduled for Dec. 5-7, 2017, in Washington, D.C. Comments are due Dec. 5, 2017. Contact: Alexandra Lemke; DOE, Office of Energy Efficiency and Renewable Energy; 720-648-4381; Alexandra.lemke@EE.DOE.Gov

82 FR 52896 (11/15/2017)

Regulatory Update

MINING

Use and Occupancy under the Mining Laws

MINING

Notice announces the intention of the Bureau of Land Management to seek OMB approval for a revised information collection request regarding use and occupancy of unpatented hardrock mining claims under the mining laws. The collection gathers information from mining claimants in connection with activities for locating a mining claim or mill site. Comments are due Jan. 16, 2018. Contact: Adam Merrill; BLM; 202-912-7044; amerrill@blm.gov

82 FR 52938 (11/15/2017)

Regulatory Update

RADIATION

ACRS Planning and Procedures Subcommittee Meeting

RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures to discuss proposed ACRS activities and related matters. The meeting is scheduled for Dec. 6, 2017, in Rockville, Md. Comments are due Dec. 6, 2017. Contact: Quynh Nguyen; NRC; 301-415-5844; Quynh.Nguyen@nrc.gov

82 FR 52944 (11/15/2017)

Regulatory Update

RADIATION

Emergency Preparedness for Small Modular Reactors and New Technologies

RADIATION

Notice of the NRC announces the availability of a regulatory basis to support establishing new emergency preparedness requirements for small modular reactors (SMRs) and other new technologies (ONTs), including nonlight-water reactors and medical isotope production facilities. The regulatory basis concludes that there is sufficient justification to develop standards and guidance for emergency preparedness for SMRs and ONTs and that the principle of using a dose-at-distance and consequence-oriented approach to determine the appropriate size of an emergency planning zone can be applied to SMRs and ONTs. Contact: Andrew Carrera; NRC,

Office of New Reactors; 301-415-1078; Andrew.Carrera@nrc.gov. Citations: 10 CFR 50, 52

82 FR 52862 (11/15/2017)

Regulatory Update

RADIATION

NRC Management, Organization, and Procedure

RADIATION

Final rule of the NRC makes nonsubstantive corrections to agency provisions concerning licensing, recordkeeping, and practice and procedure. The rule updates terminology for gender neutrality and corrects references and an address. The rule also inserts inadvertently omitted provisions concerning standard design approvals for certain reactor applicants. The rule is effective Dec. 15, 2017. Contact: Dawn Forder; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-3407; Dawn.Forder@nrc.gov. Citations: 10 CFR 2, 9, 40, 50, 61, 71, 73, 110

82 FR 52823 (11/15/2017)

Regulatory Update

RADIATION

Spent Fuel Dry Storage Systems and Facilities

RADIATION

Notice of the NRC announces the availability of a draft standard review plan for spent fuel dry storage systems and facilities (NUREG-2215). The plan provides guidance to NRC staff on reviewing safety analysis reports for certification of compliance for dry storage systems used at general license facilities and specific licenses for dry storage facilities that are independent spent fuel installations or monitored retrievable storage installations. The document will replace two previous standard review plans (NUREG-1536 and -1567) and various interim staff guidances on the same subjects. Comments are due Jan. 2, 2018. Contact: Jeremy Smith; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-7308; Jeremy.Smith@nrc.gov. Citations: 10 CFR 72

82 FR 52944 (11/15/2017)

Regulatory Update

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