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From: Bloomberg BNA
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EHS Federal Regulatory Alert

August 08, 2017 - Number 151

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Summaries

AIR

Connecticut SIP/2010 SO2 NAAQS Infrastructure Requirements

AIR

Final rule of the EPA approves portions of revisions to the Connecticut SIP regarding the interstate transport requirements for the 2010 sulfur dioxide (SO₂) NAAQS. The revision addresses Connecticut's demonstration that sources or emissions activity within the state will not contribute significantly to nonattainment or interference with maintenance of the 2010 SO₂ NAAQS in other states. The rule is effective Sept. 7, 2017. Contact: Donald Dahl; EPA Region 1; 617-918-1657; dahl.donald@epa.gov. Citations: 40 CFR 52.386

82 FR 37013 (08/08/2017)

Regulatory Update

AIR

Idaho SIP/Logan PM-2.5 Nonattainment Area

AIR

Final rule of the EPA approves revisions to the Idaho SIP relating to the Idaho portion of the Logan, Utah-Idaho, 2006 24-hour fine particulate matter (PM-2.5) NAAQS nonattainment area. The rule approves Idaho's attainment demonstration and 2014 motor vehicle emissions budgets (MVEBs) as early progress budgets. The rule also conditionally approves reasonable further progress, quantitative milestones, and revised MVEBs for the Idaho portion based on the state's commitment to adopt and submit updates to the attainment plan elements within one year of the rule's effective date. The rule is effective Sept. 7, 2017. Contact: Jeff Hunt; EPA Region 10, Office of Air and Waste; 206-553-0256; hunt.jeff@epa.gov. Citations: 40 CFR 52.670

82 FR 37025 (08/08/2017)

Regulatory Update

AIR

Kentucky SIP/PM-2.5 NAAQS Infrastructure Requirements

AIR

Final rule of the EPA approves portions of revisions to the Kentucky SIP regarding the infrastructure requirements for the 2012 annual fine particulate matter (PM-2.5) NAAQS. The rule takes no action on revisions regarding the interstate transport provisions and visibility protection requirements (prongs 1, 2, and 4) and the minor source program requirements, which will be addressed in a separate action. The rule is effective Sept. 7, 2017. Contact: Tiereny Bell; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9088; bell.tiereny@epa.gov. Citations: 40 CFR 52.920

82 FR 37012 (08/08/2017)

Regulatory Update

AIR

Lamp Testing Energy Conservation Standards

AIR

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, requests information regarding updates to test procedures for general service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps. The agency seeks comments regarding the updated American National Standards Institute and the Illuminating Engineering Society of North America industry methods, including the efficacy of lamp testing in high-frequency instead of low-frequency settings, updates to ballast characteristics, and the use of the new array spectrometry method. The agency also seeks comments regarding photometric measurements of reflector-type lamps, the required test voltage of incandescent lamps, and the integrating sphere testing method. The agency seeks comments to improve the repeatability, reproducibility, and consumer representativeness of the test procedures and to limit the test burden for manufacturers. Comments are due Sept. 7, 2017. Contact: Lucy deButts; DOE, Office of Energy Efficiency and Renewable Energy; 202-287-1604; appliancestandardsquestions@ee.doe.gov. Citations: 10 CFR 429, 430.2, Subpart B, Appendix R

82 FR 37031 (08/08/2017)

Regulatory Update

AIR

Mississippi SIP/Prevention of Significant Deterioration

AIR

Direct final rule of the EPA approves revisions to the Mississippi SIP concerning prevention of significant deterioration (PSD) under the new source review permitting program. The revisions update the incorporation by reference date of federal PSD permitting requirements and PSD provisions related to the 1997, 2006, and 2012 fine particulate matter (PM-2.5) and 2015 eight-hour ozone NAAQS. The rule is effective Oct. 10, 2017, unless adverse comments are received by Sept. 7, 2017. Contact: Andres Febres; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52.1270

82 FR 37015 (08/08/2017)

Regulatory Update

AIR

Mississippi SIP/Prevention of Significant Deterioration

AIR

Proposed rule of the EPA would approve revisions to the Mississippi SIP concerning prevention of significant deterioration (PSD) under the new source review permitting program. The revisions update the incorporation by reference date of federal PSD permitting requirements and PSD provisions related to the 1997, 2006, and 2012 fine particulate matter (PM-2.5) and 2015 eight-hour ozone NAAQS. A concurrent direct final rule adopts the revisions, effective Oct. 10, 2017. Comments are due Sept. 7, 2017. Contact: Andres Febres; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52.1270

82 FR 37037 (08/08/2017)

Regulatory Update

AIR

Nevada SIP/Regional Haze Progress Report

AIR

Final rule of the EPA approves a revision to the Nevada regional haze SIP regarding the five-year progress report toward achieving visibility goals by 2018 in Class I federal areas within the state and nearby states. The revision addresses the state's determination that the regional haze requirements in the existing SIP do not require any substantive revision at this time and that existing control measures are adequate to make progress towards reasonable progress goals. The EPA plans to rescind the federal implementation plan for the Reid Gardner Generating Station units 1, 2, and 3 in a separate action. The rule is effective Sept. 7, 2017. Contact: Krishna Viswanathan; EPA Region 9; Air Division; 520-999-7880; viswanathan.krishna@epa.gov. Citations: 40 CFR 52.1470, 52.1488

82 FR 37020 (08/08/2017)

Regulatory Update

ENDANGERED SPECIES

Listing Determination/Pacific Bluefin Tuna

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces a 12-month finding on a petition to list the Pacific bluefin tuna, a pelagic species of fish, as a threatened or endangered species and to designate critical habitat concurrently with the listing. The agency finds that the listing is not warranted because the species is not currently in danger of extinction throughout all or a significant portion of its range and is not likely to become so within the future. The finding is dated Aug. 8, 2017. Contact: Gary Rule; NMFS West Coast Region; 503-230-5424; gary.rule@noaa.gov

82 FR 37060 (08/08/2017)

Regulatory Update

FOOD SAFETY

Risk Designations for Bovine Spongiform Encephalopathy

FOOD SAFETY

Notice of the Animal and Plant Health Inspection Service announces that the agency concurs with the World Organization for Animal Health's designation of negligible risk for bovine spongiform encephalopathy in seven regions. The seven regions are Costa Rica, Germany, Lithuania, Mexico, Namibia, Romania, and Spain. Contact: Roberta Morales; APHIS, Veterinary Services; 919-855-7735. Citations: 9 CFR 92, Subpart B

82 FR 37041 (08/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Bursal Disease-Marek's Disease Vaccine Field Test

GENERAL ENVIRONMENT AND SAFETY

Notice of the Animal and Plant Health Inspection Service announces the availability of an environmental assessment for a field test of an unlicensed bursal disease-Marek's disease vaccine in Alabama, Delaware, Georgia, Iowa, and North Carolina. The live Marek's disease serotype 3 vaccine is intended for use in healthy 18-day or older chicken embryos or day-old chickens. The EA also addresses the issuance of a veterinary biological product license for the vaccine following satisfactory completion of the field test. The agency intends to issue a finding of no significant impact for the field test and product licensing. Comments are due Sept. 7, 2017. Contact: Donna Malloy; APHIS, Center for Veterinary Biologics, Policy, Evaluation, and Licensing; 301-851-3426

82 FR 37045 (08/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Cosmetic Labeling Requirements

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a continuing information collection request to the OMB concerning four cosmetic labeling requirements. The collection addresses requirements that cosmetic products bear a declaration of ingredients in descending order of predominance; a statement of the identity of the product; the name and place of business of the manufacturer, packer, or distributor; and the net quantity of contents of the product. Comments are due Sept. 7, 2017. Contact: Ila Mizrahi; FDA, Office of Operations; 301-796-7726; PRAStaff@fda.hhs.gov. Citations: 21 CFR 701

82 FR 37100 (08/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
OEERE Environmental Questionnaire
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, announces the submission of a revised information collection request to the OMB regarding the administration of an environmental questionnaire. The questionnaire collects information from federal financial assistance awardees for renewable energy and energy efficiency research and development and demonstration projects to ensure that agency decision-making processes are in compliance with NEPA. Comments are due Sept. 7, 2017. Contact: Lisa Jorgensen; DOE, Office of Energy Efficiency and Renewable Energy; 720-356-1569; EEREEQComments@ee.doe.gov

82 FR 37094 (08/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Postmarketing Periodic Safety Reports
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a revised information collection request to the OMB regarding the International Conference on Harmonisation's (ICH) Periodic Benefit-Risk Evaluation Report (PBRER). The PBRER provides a common standard for periodic postmarketing safety reporting on approved drugs or biologics among the ICH regions. The revisions reflect a Nov. 29, 2016, guidance for industry (81 FR 85976) that describes the conditions under which the FDA will exercise its waiver authority to permit applicants to submit an ICH PBRER in lieu of an ICH periodic safety update report, a U.S. periodic adverse drug experience report or a U.S. periodic adverse experience report to satisfy periodic safety reporting requirements. Comments are due Sept. 7, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRASStaff@fda.hhs.gov. Citations: 21 CFR 314, 600

82 FR 37098 (08/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Strategic National Stockpile/Labeling Requirement Exceptions and Alternatives
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a continuing information collection request to the OMB regarding exceptions or alternatives to labeling requirements for products held by the Strategic National Stockpile (SNS) during national health emergencies. The collection addresses requirements for SNS officials or entities that manufacture, distribute, or store SNS products to submit to an FDA center director a written request for exceptions or alternatives to labeling requirements for human drug products, biological products, medical devices, and in vitro diagnostic products for human use. The collection also addresses requirements for manufacturers to report changes to the new drug applications, biologics license applications, premarket approval applications, or premarket notifications to the FDA if the request is granted. Comments are due Sept. 7, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRASStaff@fda.hhs.gov. Citations: 21 CFR 201.26, 610.68, 801.128, 809.11

82 FR 37101 (08/08/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Automatic Emergency Braking Systems Field Study
HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of the National Highway Traffic Safety Administration to seek OMB approval for a new information collection request regarding a field study of newer generation heavy-vehicle automatic emergency braking (AEB) systems. The collection consists of a demographic questionnaire, initial crash avoidance systems (CAS) technology questionnaires, and a post-study CAS technology questionnaire for drivers assigned to a specific commercial vehicle equipped with new products released by the major AEB system suppliers in 2015 and 2016. The agency will use information obtained from the questionnaires to determine the real world performance of the new AEB systems. Comments are due Oct. 10, 2017. Contact: Alrik Svenson; NHTSA, Office of Vehicle Safety Research; 202-366-0436

82 FR 37162 (08/08/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Safety Sensitive Transportation Personnel/Obstructive Sleep Apnea
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration and Federal Railroad Administration announces the withdrawal of a March 10, 2016, advance notice of proposed rulemaking (81 FR 12642) that would have established standards to address potential safety risks from moderate to severe obstructive sleep apnea (OSA) among individuals occupying safety sensitive positions in highway and rail transportation. The agencies will instead address OSA risk through current safety programs, the FRA's rulemaking addressing fatigue risk management, and a potential update to the FMCSA's bulletin to medical examiners and training organizations regarding OSA. The FMCSA also will continue to recommend that drivers and their employers use the North American Fatigue Management Program, which includes a module on driver sleep disorders management. Contact: Christine Hydock; FMCSA; Medical Programs Division; 202-366-4001; fmcsamedical@dot.gov. Citations: 49 CFR 240, 242, 391

82 FR 37038 (08/08/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
California/Vandenberg Air Force Base
HAZARDOUS WASTE CLEANUP

Notice of the Justice Department announces a proposed consent decree in United States v. The Bionetics Corp. (Civil Action No. 17-5677) lodged on Aug. 1, 2017, with the U.S. District Court for the Central District of California. The consent decree resolves claims under CERCLA for the recovery of costs incurred responding to releases of hazardous substances at certain Installation Restoration Program sites at Vandenberg Air Force Base in Santa Barbara County, Calif. The

proposed consent decree requires the defendant to pay \$219,000, in exchange for a covenant not to sue under CERLCA Sections 106 and 107. Comments are due Sept. 7, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 37115 (08/08/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Fire Brigades Standard

OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request concerning the fire brigades standard that applies to discretionarily established fire brigades, industrial fire departments, and private or contract fire departments, but not airport crash rescue units or forest firefighting operations. The collection addresses development and maintenance of an organizational statement that describes the functions performed by the brigade members and determines the level of training and type of personal protective equipment necessary for members to perform assigned functions safely. The collection also addresses requirements for workers' fitness physician's certificates and hazard communications and safety training for special hazards, including storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water-reactive substances. Comments are due Oct. 10, 2017. Contact: Theda Kenney; OSHA; 202-693-2044; Kenney.Theda@dol.gov. Citations: 29 CFR 1910.156

82 FR 37118 (08/08/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Hoists and Elevators Standard

OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request concerning the material hoists, personnel hoists, and elevators standard. The collection addresses requirements for posting of rated load capacities, recommended operating speeds, and special hazard warnings and instruction on cars and platforms. The collection also addresses requirements for posting the operating rules for material hoists at the operator's station of the hoist, including procedures for the signal system and allowable line speeds for various loads. In addition, the collection addresses requirements to secure a capacity and data plate in a conspicuous place on cars and addresses equipment test, inspection, and certification requirements. Comments are due Oct. 10, 2017. Contact: Todd Owen OSHA, Directorate of Standards and Guidance; 202-693-2222. Citations: 29 CFR 1926.552

82 FR 37120 (08/08/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Ionizing Radiation Standard

OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection regarding the ionizing radiation standard. The collection documents that employers are providing their workers with protection from hazardous ionizing radiation exposure by monitoring worker exposure to ionizing radiation, posting caution signs at radiation areas, reporting worker overexposures to OSHA, maintaining exposure records, and providing exposure records to current and former workers. Comments are due Oct. 10, 2017. Contact: Theda Kenney; OSHA, Directorate of Standards and Guidance; 202-693-2222. Citations: 29 CFR 1910.1096

82 FR 37117 (08/08/2017)

Regulatory Update

RADIATION

Enforcement Discretion for Operating Nuclear Reactors and Gaseous Diffusion Plants

RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding notices of enforcement discretion for operating power reactors and gaseous diffusion plants. The collection addresses licensee and certificate holder requests that the NRC choose not to enforce applicable technical specifications, technical safety requirements, or other conditions where compliance with the conditions would involve unnecessary plant shutdown or place the plant in a condition where safety, safeguards, or security features are degraded or inoperable. Comments are due Sept. 7, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; Infocollects.Resource@nrc.gov. Citations: 10 CFR 50.91

82 FR 37122 (08/08/2017)

Regulatory Update

RADIATION

Nuclear Power Reactors/Voluntary Reporting of Performance Indicators

RADIATION

Notice announces the intention of the NRC to seek OMB approval for a continuing information collection request regarding voluntary quarterly reporting of performance indicators by power reactor licensees. The agency uses the information in its Reactor Oversight Process to make decisions about plant performance and regulatory response. Comments are due Oct. 10, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; Infocollects.Resource@nrc.gov

82 FR 37132 (08/08/2017)

Regulatory Update

WATER

Illinois/NPDES Program Electronic Reporting

WATER

Notice of the EPA announces the approval of Illinois' request to revise its EPA-authorized National Pollutant Discharge Elimination System (NPDES) program to allow electronic reporting.

The approval is effective Aug. 8, 2017. Contact: Karen Seeh; EPA, Office of Environmental Information; 202-566-1175; seeh.karen@epa.gov. Citations: 40 CFR 122, 125

82 FR 37095 (08/08/2017)

Regulatory Update

WATER

Marine Technology and Standards Workshop

WATER

Notice of the U.S. Coast Guard announces a workshop, in coordination with the American Society of Mechanical Engineers, on marine technology and standards to exchange information regarding technological impacts on industry. The agenda includes panel discussions regarding transport and use of natural gas, alternative fuels for ship systems, infrastructure for alternative energy sources, and offshore marine technology. The agenda also includes panel discussions regarding shipboard technologies for energy efficiency; polar ship design, construction, and operation; pressure vessels for human occupancy; autonomous ship technology, automation, and cybersecurity; and regulatory/classification developments. The workshop is scheduled for Oct. 16-17, 2017, in Washington, D.C., and via webcast. Contact: Wayne Lundy; USCG, Office of Design and Engineering Standards; 202-372-1379

82 FR 37104 (08/08/2017)

Regulatory Update

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