

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 9/28/2017 12:37:44 PM
Subject: Sep. 28 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

September 28, 2017 - Number 187

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Summaries

AIR

California SIP/Photochemical Assessment Monitoring System Network

AIR

Final rule of the EPA approves a revision to the California SIP concerning the establishment of a photochemical assessment monitoring system (PAMS) network in six ozone nonattainment areas within the state. The revision specifies that the South Coast Air Quality Management District (AQMD), the Sacramento Metro AQMD, the San Diego County Air Pollution Control District (APCD), the San Joaquin Valley Unified APCD, and the Ventura County APCD have implemented required PAMS networks and each district has included a provision on meeting quality assurance requirements. Additionally, the revision provides that the air districts have included a provision to assure that PAMS monitors will meet monitoring methodology requirements. Finally, the revision specifies that the air districts have provided assurance that their respective PAMS networks will be phased in over a period of not more than five years. The rule is effective Oct. 30, 2017. Contact: Doris Lo; EPA Region 9; 415-972-3959; lo.doris@epa.gov. Citations: 40 CFR 52.220

82 FR 45191 (09/28/2017)

Regulatory Update

AIR

NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizer Production

AIR

Final rule of the EPA revises the NESHAP for the phosphoric acid manufacturing and phosphate fertilizer production source categories. The rule extends the compliance date by which affected sources must include emissions from oxidation reactors when determining compliance with the total fluoride emission limits for superphosphoric acid process lines from Aug. 19, 2016, to Aug. 19, 2018. The rule also clarifies the use of measured pressure drop and blower design capacity to monitor the liquid-to-gas ratio of low-energy absorbers and adds an option for monitoring by use of a regression model to determine the gas flow rate through an absorber. In addition, the rule extends the compliance date for the monitoring requirement for low-energy absorbers from Aug.

19, 2015, to Aug. 19, 2018, for existing sources and those for which construction or reconstruction commenced by Aug. 19, 2015. Finally, the rule restores a provision that was inadvertently omitted to allow sources a \pm 20 percent variability in the minimum liquid flow rate to the absorber. The rule is issued in response to petitions for reconsideration of an Aug. 19, 2015, final rule (80 FR 50386) filed by the Fertilizer Institute and the Phosphate Corp. of Saskatchewan. The rule is effective Sept. 28, 2017. Contact: Susan Fairchild; EPA, Office of Air Quality Planning and Standards; 919-541-5167; fairchild.susan@epa.gov. Citations: 40 CFR 63.605; 63.608; 63.625; 63.628; Tables 1 through 4 to 40 CFR 63, Subpart AA; Tables 3 and 4 to 40 CFR 63, Subpart BB

82 FR 45193 (09/28/2017)

Regulatory Update

AIR

New Hampshire SIP/Central N.H. SO₂ Nonattainment Plan

AIR

Proposed rule of the EPA would approve a revision to the New Hampshire SIP regarding the nonattainment plan for the Central New Hampshire 2010 one-hour sulfur dioxide (SO₂) primary NAAQS nonattainment area. The plan addresses the state's attainment demonstration, reasonable further progress requirement, reasonably available control measures and reasonably available control technology, base-year and projection-year emission inventories, and contingency measures. The rule also would approve SO₂ emission limits and associated compliance parameters for the Merrimack Station power plant in Bow. Comments are due Oct. 30, 2017. Contact: Leiran Biton; EPA Region 1; 617-918-1267; biton.leiran@epa.gov. Citations: 40 CFR 52

82 FR 45242 (09/28/2017)

Regulatory Update

AIR

Stratospheric Ozone/Refrigerant Management Requirements

AIR

Direct final rule of the EPA revises a Nov. 18, 2016, final rule (81 FR 82272) that updated refrigerant management requirements of the National Recycling and Emission Reduction Program. The revision clarifies that retailers may sell small cans that were manufactured or imported before Jan. 1, 2018, holding two pounds or less of nonexempt substitute refrigerants for use in motor vehicle air conditioning that are not equipped with self-sealing valves to persons that are not certified as technicians under Sections 608 and 609 of the Clean Air Act. The rule is effective Dec. 27, 2017, if no adverse comments are received by Oct. 30, 2017. Contact: Sara Kemme; EPA, Stratospheric Protection Division; 202-566-0511; kemme.sara@epa.gov. Citations: 40 CFR 82.154

82 FR 45202 (09/28/2017)

Regulatory Update

AIR

Stratospheric Ozone/Refrigerant Management Requirements

AIR

Proposed rule of the EPA would revise a Nov. 18, 2016, final rule (81 FR 82272) that updated refrigerant management requirements of the National Recycling and Emission Reduction Program. The revision would clarify that retailers may sell small cans that were manufactured or imported before Jan. 1, 2018, holding two pounds or less of nonexempt substitute refrigerants for use in motor vehicle air conditioning that are not equipped with self-sealing valves to persons that are not certified as technicians under Sections 608 and 609 of the Clean Air Act. A concurrent direct final rule adopts the revision, effective Dec. 27, 2017. Hearing requests are due Oct. 5, 2017. Comments are due Oct. 30, 2017. Contact: Sara Kemme; EPA, Stratospheric Protection Division; 202-566-0511; kemme.sara@epa.gov. Citations: 40 CFR 82.154

82 FR 45253 (09/28/2017)

Regulatory Update

AIR

Virginia SIP/Removal of CAIR Trading Programs

AIR

Direct final rule of the EPA approves a revision to the Virginia SIP to remove the annual nitrogen oxide (NOx), seasonal NOx, and sulfur dioxide trading programs under the Clean Air Interstate Rule (CAIR). The CAIR was discontinued in December 2014 upon implementation of the Cross-State Air Pollution Rule. The rule is effective Nov. 27, 2017, unless adverse comments are received by Oct. 30, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.2420

82 FR 45187 (09/28/2017)

Regulatory Update

AIR

Virginia SIP/Removal of CAIR Trading Programs

AIR

Proposed rule of the EPA would approve a revision to the Virginia SIP to remove the annual nitrogen oxide (NOx), seasonal NOx, and sulfur dioxide trading programs under the Clean Air Interstate Rule (CAIR). The CAIR was discontinued in December 2014 upon implementation of the Cross-State Air Pollution Rule. A concurrent direct final rule adopts the changes, effective Nov. 27, 2017. Comments are due Oct. 30, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.2420

82 FR 45241 (09/28/2017)

Regulatory Update

FOOD SAFETY

Food Canning Establishments/Acidified Foods and Thermally Processed Low-Acid Foods

FOOD SAFETY

Notice of the FDA announces the submission of a continuing information collection request to

the OMB regarding food canning establishment registration, process filing, and recordkeeping for acidified foods and thermally processed low-acid foods in hermetically sealed containers. The collection addresses registration requirements (FDA 2541) for firms that manufacture, process, or pack the specified foods for introduction into interstate commerce. The collection also addresses data on food processing (FDA 2541d, FDA 2541e, and FDA 2541f) and aseptic processing of low-acid foods in hermetically sealed containers (FDA 2541g). In addition, the collection addresses requirements for maintenance of processing and production records, documentation of corrective actions, development of recall plans, and container marking requirements. Comments are due Oct. 30, 2017. Contact: Ila Mizrahi; FDA, Office of Operations; 301-796-7726; PRAStaff@fda.hhs.gov. Citations: 21 CFR 108.25, 108.35, 113, 114

82 FR 45293 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Connecticut/Millstone Power Station

GENERAL ENVIRONMENT AND SAFETY

Notice of the NRC announces the availability of an environmental assessment and finding of no significant impact regarding a request to exempt the Millstone Power Station, Unit No. 2, in Waterford, Conn., from fire protection program requirements for nuclear power facilities operating prior to Jan. 1, 1979. The exemption would allow Dominion Nuclear Connecticut Inc., of Waterford, to use operator manual actions 1, 9, 10, and 11 to achieve hot shutdown conditions for affected initiating fire areas with consideration of a loss of instrument air. Contact: Richard Guzman; NRC, Office of Nuclear Reactor Regulation; 301-415-1030; Richard.Guzman@nrc.gov. Citations: 10 CFR 50, Appendix R, Section III.G.2

82 FR 45322 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Medical Devices Advisory Committee/Industry Representative Nominations

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a request for industry organizations interested in participating in the selection of nonvoting industry representatives to serve on the Medical Devices Advisory Committee in the Center for Devices and Radiological Health. The notice also requests nominations for nonvoting industry representatives to serve on specified device panels. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation. Statements of interest and nominations are due Oct. 27, 2017. Contact: Margaret Ames; FDA, Center for Devices and Radiological Health; 301-796-5960; margaret.ames@fda.hhs.gov

82 FR 45298 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Nevada/Mesquite Replacement General Aviation Airport

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Aviation Administration announces the cancellation of preparation of revisions to a draft environmental impact statement for the construction of a replacement general aviation airport in Mesquite, Nev. (73 FR 28461; 05/16/2008). The city of Mesquite, the owner and operator of the existing Mesquite Municipal Airport, has not included a replacement airport in its five-year airport capital improvement program. In addition, the federal land for the replacement airport is no longer available, therefore the FAA has determined that the need for the proposed replacement no longer exists. Contact: David Kessler; FAA, Airports Division; 310-725-3615

82 FR 45353 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

North Carolina/KC-46 Third Main Operating Base Beddown

GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of the Air Force announces the availability of the record of decision (ROD) for the KC-46 Third Main Operating Base (MOB 3) beddown. The Air Force has decided to beddown up to 12 KC-46 primary aerospace vehicles authorized in one squadron at Seymour Johnston Air Force Base, in Goldsboro, N.C., where the Air Force reserve command leads the Mobility Air Force Mission. The ROD is based on the April 14, 2017, final environmental impact statement (82 FR 17991). Contact: Hamid Kamalpour; USAF, AFCEC/CZN; 210-925-2738

82 FR 45269 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Rare Pediatric Disease Priority Review Vouchers User Fee

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the user fee rate of \$2.8 million for rare pediatric disease priority review vouchers for fiscal year 2018. The fee applies to certain applications for review of human drug or biological products when those applications use a rare pediatric disease priority review voucher. The fee is effective Oct. 1, 2017, and expires Sept. 30, 2018. Contact: Robert Marcarelli; FDA, Office of Financial Management; 301-796-7223

82 FR 45291 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

South Carolina/Lower Pelzer Hydroelectric Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application for the Lower Pelzer Hydroelectric Project located on the Saluda River in Anderson and Greenville counties in South Carolina. The applicants, Pelzer Hydro Co. and Consolidated Hydro Southeast LLC, both of Piedmont S.C., request a new license to continue operation of the project, develop canoe portage

facilities, and remove a 3,300-volt overhead transmission line that is no longer in use. The existing project includes a granite masonry dam, spillway, an impoundment, a powerhouse with generating units totaling 3,300 kilowatts, a tailrace, and transmission lines. Comments, motions to intervene, and protests are due Nov. 20, 2017. Contact: Navreet Deo; FERC; 202-502-6304; navreet.deo@ferc.gov

82 FR 45284 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

South Carolina/Piedmont Hydroelectric Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application for the Piedmont Hydroelectric Project on the Saluda River in Piedmont, S.C. The applicant, Aquenergy Systems LLC, a subsidiary of Enel Green Power North America Inc., of Andover, Mass., requests a subsequent license to develop canoe portage facilities while continuing to operate and maintain the project as required under the existing license. The project currently consists of a stone masonry dam, a 22-acre impoundment, an intake canal, a brick masonry powerhouse, a tailrace, a 600-volt transmission line, and appurtenant facilities. Comments, motions to intervene, and protests are due Nov. 20, 2017. Contact: Navreet Deo; FERC; 202-502-6304; navreet.deo@ferc.gov

82 FR 45282 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

South Carolina/Upper Pelzer Hydroelectric Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application for the Upper Pelzer Hydroelectric Project located on the Saluda River in Anderson and Greenville counties in South Carolina. The applicants, Pelzer Hydro Co. and Consolidated Hydro Southeast LLC, both of Piedmont S.C., request a new license to continue operation of the project, develop canoe portage facilities, and release a continuous minimum flow of 15 cubic feet per second or inflow, whichever is less, from the project dam to maintain aquatic habitat and water quality conditions. The existing project includes a granite masonry dam, spillway, an impoundment, forebay canal, two powerhouses with generating units totaling 1,950 kilowatts, two tailraces, and transmission lines. Comments, motions to intervene, and protests are due Nov. 20, 2017. Contact: Navreet Deo; FERC; 202-502-6304; navreet.deo@ferc.gov

82 FR 45283 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Tropical Disease Priority Review Voucher User Fee

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the fee rate of \$2.8 million for tropical disease priority review

vouchers for fiscal year 2018. The fee applies to certain applications for review of human drug or biological products when those applications use a tropical disease priority review voucher. The fee is effective Oct. 1, 2017, and expires Sept. 30, 2018. Contact: Robert Marcarelli; FDA, Office of Financial Management; 301-796-7223

82 FR 45296 (09/28/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

FHWA, FRA, FTA/Program for Eliminating Duplication of Environmental Reviews

HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Federal Highway Administration, Federal Railroad Administration, and Federal Transit Administration would implement requirements under Section 1309 of the Fixing America's Surface Transportation (FAST) Act to establish a pilot program for eliminating duplication of environmental reviews. The pilot program allows up to five states to conduct environmental reviews and make approvals for projects under state environmental laws and regulations instead of the National Environmental Policy Act. The rule would address application requirements and criteria to determine whether state laws and regulations are at least as stringent as applicable federal laws. It also would update the corrective action period that the agencies must provide to a state participating in the Surface Transportation Project Delivery Program. Comments are due Nov. 27, 2017. Contact: James Gavin; FHWA, Office of Project Development and Environmental Review; 202-366-1473. Citations: 23 CFR 773.117, 778.101, 778.103, 778.105, 778.107, 778.109, 778.111; 49 CFR 264.101, 622.101

82 FR 45220 (09/28/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Hazardous Materials Regulations

HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the submission of 11 continuing information collection requests to the OMB regarding the hazardous materials regulations. The collections address hazardous materials security plans; procedures for requesting changes, exceptions, and other determinations; and requirements for the design, construction, maintenance, and use of United Nations cylinders. The collections also address preparation of written oil spill response plans; manufacture, qualification, maintenance, and use of specification cargo tank motor vehicles; and certification of freight containers or transport vehicles for explosive shipments. In addition, the collections address testing requirements for nonbulk packagings; testing, inspection, and marking requirements for reusable cylinders; and documentation requirements for drivers of motor vehicles transporting flammable cryogenic liquids. In addition, the collections address approval of applicants for designated approval agencies and of containers and special loading requirements for vessels for hazardous materials. Finally, the collections address transportation of hazardous materials by rail and the manufacture, qualification, maintenance, and use of tank cars. Comments are due Oct. 30, 2017. Contact: Steven Andrews; PHMSA, Standards and Rulemaking Division; 202-366-8553. Citations: 49 CFR 105, 106, 107, 130, 172, 172.800, 173, 173.301, 174, 177.840, 178, 179, 180

82 FR 45356 (09/28/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Hazardous Materials Shipping Papers and Emergency Response Information

HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of PHMSA to seek OMB approval for a continuing information collection request concerning hazardous materials shipping papers. The collection addresses the requirement that shipping papers with emergency response information accompany most hazardous materials shipments and be readily available at all times during transportation.

Comments are due Nov. 27, 2017. Contact: Steven Andrews; PHMSA, Standards and Rulemaking Division; 202-366-8553. Citations: 49 CFR 172.202, 172.203, 172.204

82 FR 45361 (09/28/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Puerto Rico, U.S. Virgin Islands Emergency Waiver

HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces an order of emergency waiver of hazardous materials regulations concerning operations within the Hurricane Maria emergency and disaster areas of Puerto Rico and the U.S. Virgin Islands. The waiver allows persons operating under the direction of EPA Region 2 or the U.S. Coast Guard Seventh District to offer and transport nonradioactive hazardous materials under the alternative safety requirements when compliance with hazardous materials regulations is not practicable. The waiver is granted to support the preparation, response, and recovery from threats caused by actual or potential oil and hazardous materials incidents. The waiver is effective Sept. 22, 2017, and expires Oct. 23, 2017. Contact: Adam Horsley; PHMSA; 202-366-4400. Citations: 49 CFR 171 through 180

82 FR 45360 (09/28/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Hawaii State Plan

OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a new Hawaii state plan operational status agreement with the Hawaii Occupational Safety and Health Division signed April 13, 2017. The agreement, which replaces a 2012 agreement, clarifies that OSHA retains coverage over all federal employees, contractors, and subcontractors at state national parks and any federal establishment on land under exclusive federal jurisdiction. OSHA also retains coverage over private-sector maritime activities; private-sector employees within the secured borders of military installations where access is controlled; the U.S. Postal Service, its contract workers, and contractor-operated facilities; and federal whistleblower provisions. The state plan retains coverage over all state and local government employers and regains coverage over all private-sector employers not covered by OSHA, including marine construction not performed on vessels or other floating facilities. The agreement is effective Sept. 28, 2017. Contact: Douglas Kalinowski; OSHA, Directorate of

Cooperative and State Programs; 202-693-2200; kalinowski.doug@dol.gov

82 FR 45316 (09/28/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Powered Industrial Trucks Standard

OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request regarding the powered industrial trucks standard. The collection addresses requirements regarding truck design, construction, labeling, and modification and certification and training for truck operators. The collection ensures the safe operation of powered industrial trucks and the prevention of hazards such as fires and explosions by faulty electrical systems, rollovers/tipovers that result from exceeding a truck's stability characteristics, and falling loads that occur when loads exceed the lifting capacities of attachments. Comments are due Nov. 27, 2017. Contact: Theda Kenney; OSHA, Directorate of Standards and Guidance; 202-693-2222. Citations: 29 CFR 1910.178

82 FR 45317 (09/28/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Standard on Steel Erection

OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request regarding the standard on steel erection. The collection concerns requirements for controlling contractors to provide steel erectors with written notice of concrete strength and of any repairs, replacements, or modifications to anchor bolts. The collection also concerns requirements for employers regarding safety latches and hooks; certification of maximum capacity of multiple-lift rigging assembly; installation, anchoring, and use of steel joists and bridging; and fall protection systems. In addition, the collection addresses employer development of site-specific erection plans that include alternate means and methods to provide employee protection. Comments are due Nov. 27, 2017. Contact: Theda Kenney; OSHA, Directorate of Standards and Guidance; 202-693-2222; kenney.theda@dol.gov. Citations: 29 CFR 1926, Subpart R

82 FR 45314 (09/28/2017)

Regulatory Update

TOXIC SUBSTANCES

Products Containing Organohalogen Flame Retardants

TOXIC SUBSTANCES

Notice of the Consumer Product Safety Commission announces the availability of a guidance document concerning certain consumer products that may contain organohalogen flame retardants (OFRs) in nonpolymeric additive form. The document is issued in response to the

commission's vote to grant a petition (80 FR 50238; 08/09/2015) to initiate rulemaking and direct commission staff to convene a Chronic Hazard Advisory Panel to study the effects of OFRs on consumers' health. The commission recommends that manufacturers of children's products, upholstered furniture sold for use in residences, mattresses and mattress pads, and plastic casings surrounding electronics refrain from intentionally adding OFRs to such products. The commission also recommends that consumers, importers, distributors, and retailers obtain assurances from manufacturers that such products do not contain OFRs. Contact: DeWayne Ray; CPSC; 301-504-7547; JRay@cpsc.gov

82 FR 45268 (09/28/2017)

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