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From: Bloomberg BNA
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EHS Federal Regulatory Alert

September 27, 2017 - Number 186

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Summaries

AIR

Delaware SIP/Ozone NAAQS Interstate Transport

AIR

Direct final rule of the EPA approves a portion of a revision to the Delaware SIP concerning the good neighbor interstate transport requirements for the 2008 ozone NAAQS. The revision addresses the demonstration that sources or emissions activity within the state will not contribute significantly to nonattainment or interference with maintenance of the standards in other states. The rule is effective Dec. 26, 2017, unless adverse comments are received by Oct. 27, 2017. Contact: Ellen Schmitt; EPA Region 3; 215-814-5787; schmitt.ellen@epa.gov. Citations: 40 CFR 52.420

82 FR 44932 (09/27/2017)

Regulatory Update

AIR

Delaware SIP/Ozone NAAQS Interstate Transport

AIR

Proposed rule of the EPA would approve a portion of a revision to the Delaware SIP concerning the good neighbor interstate transport requirements for the 2008 ozone NAAQS. The revision addresses the demonstration that sources or emissions activity within the state will not contribute significantly to nonattainment or interference with maintenance of the standards in other states. A concurrent direct final rule adopts the changes, effective Dec. 26, 2017. Comments are due Oct. 27, 2017. Contact: Ellen Schmitt; EPA Region 3; 215-814-5787; schmitt.ellen@epa.gov. Citations: 40 CFR 52.420

82 FR 44984 (09/27/2017)

Regulatory Update

ENDANGERED SPECIES

Southwest Pacific/Marine Mammals Incidental Take

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces a request from Lamont-Doherty Earth Observatory (L-DEO), of Palisades, N.Y., for an incidental harassment authorization to take marine mammals incidental to three marine geophysical surveys in the southwest Pacific Ocean within the exclusive economic zone and territorial sea of New Zealand. L-DEO requests authorization to take a small number of 38 species of marine mammals by Level A and B harassment for a period not to exceed one year. The agency proposes to issue a one-year authorization, provided specified mitigation, monitoring, and reporting requirements are incorporated. The agency is preparing an environmental assessment for the requested authorization. Comments are due Oct. 27, 2017. Contact: Jordan Carduner; NMFS, Office of Protected Resources; 301-427-8401

82 FR 45116 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Advisory Committee on Human Research Protections Meeting

GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Health and Human Services announces a meeting of the Secretary's Advisory Committee on Human Research Protections. The agenda includes a presentation by the Subpart A Subcommittee on the revised Common Rule's expedited review requirements and a discussion of the meaning of "context" when considering the requirement for single institutional review board (IRB) review. The agenda also includes discussion of the Subcommittee on Harmonization's recommendations on the revised Common Rule's HIPAA exemption, discussion with a representative of the Office for Civil Rights, and a presentation and discussion on recent FDA experiences with IRB review. The meeting is scheduled for Oct. 17-18, 2017, in Rockville, Md., and via webcast. Comments are due Oct. 10, 2017. Contact: Julia Gorey; SACHRP; 240-453-8141; SACHRP@hhs.gov

82 FR 45033 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Electric Utilities/Remedial Action Schemes

GENERAL ENVIRONMENT AND SAFETY

Final rule of FERC approves reliability standard PRC-012-2 (remedial action schemes) submitted by the North American Electric Reliability Corp. (NERC). The rule also approves the associated violation risk factors and violation severity levels, implementation plan, and the effective date proposed by NERC. In addition, the rule approves the withdrawal of pending reliability standards PRC-012-1, PRC-013-1, and PRC-014-1 and the retirement of reliability standards PRC-015-1 and PRC-016-1. The rule is effective Nov. 27, 2017. Contact: Syed Ahmad; FERC, Division of Reliability Standards; 202-502-8718; Syed.Ahmad@ferc.gov. Citations: 18 CFR 40

82 FR 44918 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

HHS Strategic Plan for FY 2018-2022

GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Health and Human Services, Office of the Secretary, announces the availability of the draft HHS Strategic Plan for fiscal years 2018-2022. The plan describes five strategic goals and associated objectives for achieving the department's mission, including reforming, strengthening, and modernizing the health care system; protecting the health of Americans where they live, learn, work, and play; strengthening the economic and social well-being of Americans; fostering sound, sustained advances in sciences; and promoting effective and efficient management and stewardship. Comments are due Oct. 26, 2017. Contact: Sarah Potter; HHS; 202-260-6518

82 FR 45032 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Illinois/Brandon Road Lock and Dam Aquatic Nuisance Species Controls

GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Army Corps of Engineers announces an extension of the comment period for a draft integrated feasibility study and environmental impact statement (82 FR 41615; 09/01/2017) for the plan to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River basins through the Chicago Sanitary and Ship Canal and other aquatic pathways. The study and EIS evaluate structural and nonstructural options and technologies near the Brandon Road Lock and Dam, in Will County, Ill., to prevent the upstream transfer of aquatic nuisance species. The study and EIS also identify potential adverse impacts that alternatives may have on existing uses and users of the waterways. Comments now are due Nov. 16, 2017. Contact: Andrew Leichty; USACE, Rock Island District; 309-794-5399; Andrew.L.Leichty@usace.army.mil

82 FR 45008 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Maine/New England Clean Energy Connect Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Electricity Delivery and Energy Reliability, announces the issuance of a presidential permit to Central Maine Power Co., of Augusta, Maine, concerning the proposed New England Clean Energy Connect project. The project consists of the construction, operation, maintenance, and connection of an electric transmission line across the U.S. border with Canada in Beattie Township, from which the transmission facilities would extend to the first interconnection with the ISO-New England operated power grid at the applicant's Larrabee Road Substation in Lewiston. The project includes the addition of approximately 146.5 miles of new transmission lines and the construction of a new converter station and line terminal

to transmit up to 1,200 megawatts of power. Comments or motions to intervene are due Oct. 27, 2017. Contact: Christopher Lawrence; DOE, Office of Electricity Delivery and Energy Reliability; 202-585-5260; christopher.lawrence@hq.doe.gov

82 FR 45013 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Middle Mississippi River Regulating Works Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Army Corps of Engineers announces the availability of the record of decision and final supplement I to the environmental statement for the Middle Mississippi River Regulating Works Project. The project involves construction and maintenance of a navigation channel that is at least nine-feet deep and 300-feet wide on the Mississippi River between the confluences of the Missouri and Ohio rivers. The notice identifies the continue construction alternative, which includes dredging, bankline stabilization, and construction and maintenance of river-training features, as the selected plan. Contact: Kip Runyon; USACE, Regional Planning and Environmental Division North; 314-331-8396; RegWorksSEIS@usace.army.mil

82 FR 45008 (09/27/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

New York/Frankfort Asbestos Superfund Site

HAZARDOUS WASTE CLEANUP

Notice of the Justice Department announces a proposed consent decree in United States v. Mazza & Sons Inc. (Civil Action No. 6:17-cv-01041-GTS-TWD), lodged on Sept. 21, 2017, with the U.S. District Court for the Northern District of New York. The consent decree resolves claims under CERCLA concerning past response costs incurred at the Frankfort Asbestos Superfund Site in Herkimer County, N.Y. The consent decree requires the defendant to pay \$250,000 in past response costs to resolve the claims. Comments are due Oct. 27, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 45070 (09/27/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Advisory Board on Toxic Substances and Worker Health Meeting

OCCUPATIONAL SAFETY AND HEALTH

Notice of the Labor Department, Office of Workers' Compensation Programs, announces a joint meeting of the Advisory Board on Toxic Substances and Worker Health's subcommittees on Medical Advice re: Weighing Medical Evidence and on Industrial Hygienists and Contract Medical Consultants and Their Reports. The agenda includes discussion of results of a meeting with Division of Energy Employees Occupational Illness Compensation medical and industrial hygiene experts and planning for the upcoming full-board meeting. The joint meeting is scheduled for

Oct. 23, 2017, via teleconference. Comments are due Oct. 16, 2017. Contact: Douglas Fitzgerald; DOL; 202-343-5580; fitzgerald.douglas@dol.gov

82 FR 45070 (09/27/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

National Occupational Research Agenda/Construction Sector

OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces the availability of the draft National Occupational Research Agenda for construction. The agenda identifies the most important occupational safety and health research needed to prevent occupational injuries and illness in the construction sector from 2016 to 2026 and provides a national strategic plan for government, higher education, and industry research and development entities. Comments are due Nov. 27, 2017. Contact: Emily Novicki; NIOSH; 404-498-2581; NORACoordinator@cdc.gov

82 FR 45027 (09/27/2017)

Regulatory Update

PESTICIDES

Pesticide Tolerance/Fluazifop-p-butyl

PESTICIDES

Final rule of the EPA establishes tolerances for residues of the herbicide fluazifop-p-butyl in or on various fruit and vegetable products. The rule also revises and removes tolerances for several products that the petitioner requested in addition to the original petition. The rule is issued in response to a petition filed by Interregional Research Project Number 4, of Princeton, N.J. The rule is effective Sept. 27, 2017. Objections and hearing requests are due Nov. 27, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDRNotices@epa.gov. Citations: 40 CFR 180.411

82 FR 44936 (09/27/2017)

Regulatory Update

PESTICIDES

Pesticide Tolerances/Oxathiapiprolin

PESTICIDES

Final rule of the EPA establishes tolerances for residues of the fungicide oxathiapiprolin in or on cacao bean at 0.10 parts per million (ppm), roasted cacao bean at 0.15 ppm, chocolate cacao bean at 0.15 ppm, and cacao bean cocoa powder at 0.15 ppm. The rule is issued in response to a petition filed by Interregional Research Project Number 4, of Princeton, N.J. The rule is effective Sept. 27, 2017. Objections and hearing requests are due Nov. 27, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDRNotices@epa.gov. Citations: 40 CFR 180.685

82 FR 44942 (09/27/2017)

Regulatory Update

RADIATION

Domestic Licensing of Special Nuclear Material

RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB concerning domestic licensing of special nuclear material. The collection addresses applications for new licenses, amendments, and 10-year renewal for specific and general licenses to receive title to, own, acquire, deliver, receive, possess, use, or initially transfer special nuclear material. Comments are due Oct. 27, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; INFOCOLLECTS.Resource@nrc.gov. Citations: 10 CFR 70

82 FR 45071 (09/27/2017)

Regulatory Update

RADIATION

Emergency Planning For Research and Test Reactors and Other Nonpower Facilities

RADIATION

Notice of the NRC announces the issuance of Revision 2 to Regulatory Guide 2.6 to provide licensees and applicants with a method for use in complying with emergency planning for research and test reactors and other nonpower production and utilization facilities. The guide approves the most current version of the American National Standards Institute/American Nuclear Society standard (ANSI/ANS-15.16-2015) concerning emergency planning for research reactors. It also expands the scope to address nonpower facilities in addition to research and test reactors. Contact: Geoffrey Wertz; NRC, Office of Nuclear Reactor Regulation; 301-415-0893; Geoffrey.Wertz@nrc.gov. Citations: 10 CFR 50

82 FR 45073 (09/27/2017)

Regulatory Update

RADIATION

Fuel Cycle Facilities/Physical Inventories and Material Balances

RADIATION

Notice of the NRC announces the issuance of a new regulatory guide (RG 5.88) regarding physical inventories and material balances at fuel cycle facilities. RG 5.88, which updates and replaces RGs 5.13 and 5.33, provides implementing guidance for material control and accounting requirements related to the performance, evaluation, and reporting of physical inventories of special nuclear material, including low-enriched uranium, and material balances at fuel cycle facilities. Contact: Glenn Tuttle; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-7230; Glenn.Tuttle@nrc.gov. Citations: 10 CFR 74

82 FR 45074 (09/27/2017)

Regulatory Update

RADIATION

List of Approved Spent Fuel Storage Casks

RADIATION

Direct final rule of the NRC revises the TN Americas LLC Standardized NUHOMS® Horizontal Modular Storage System listing in the list of approved spent fuel storage casks to renew revision 1 of the initial certificate, revision 1 of Amendment Nos. 1 through 11 and 13 of Certificate of Compliance (COC) No. 1004, and Amendment No. 14 of COC No. 1004 for an additional 40 years. The changes require all future amendments and revisions to the COC to include evaluations of the impacts to aging management activities, such as time-limited aging analyses and aging management programs (AMPs), to ensure they remain adequate for any changes to spent fuel storage cask systems, structures, and components within the scope of the renewal. Licensees using a NUHOMS® System at a reactor site must have a program to establish, implement, and maintain written procedures for each AMP described in the AREVA Inc. updated Final Safety Analysis Report. The renewals reflect the change in the name of the COC holder from AREVA to TN Americas. The rule is effective Dec. 11, 2017, unless adverse comments are received by Oct. 27, 2017. Contact: Christian Jacobs; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-6825; Christian.Jacobs@nrc.gov. Citations: 10 CFR 72.214

82 FR 44879 (09/27/2017)

Regulatory Update

RADIATION

List of Approved Spent Fuel Storage Casks

RADIATION

Proposed rule of the NRC would revise the TN Americas LLC Standardized NUHOMS® Horizontal Modular Storage System listing in the list of approved spent fuel storage casks to renew revision 1 of the initial certificate, revision 1 of Amendment Nos. 1 through 11 and 13 of Certificate of Compliance (COC) No. 1004, and Amendment No. 14 of COC No. 1004 for an additional 40 years. The changes require all future amendments and revisions to the COC to include evaluations of the impacts to aging management activities, such as time-limited aging analyses and aging management programs (AMPs), to ensure they remain adequate for any changes to spent fuel storage cask systems, structures, and components within the scope of the renewal. Licensees using a NUHOMS® System at a reactor site must have a program to establish, implement, and maintain written procedures for each AMP described in the AREVA Inc. updated Final Safety Analysis Report. The renewals reflect the change in the name of the COC holder from AREVA to TN Americas. A concurrent direct final rule adopts the changes, effective Dec. 11, 2017. Comments are due Oct. 27, 2017. Contact: Christian Jacobs; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-6825; Christian.Jacobs@nrc.gov. Citations: 10 CFR 72.214

82 FR 44971 (09/27/2017)

Regulatory Update

TOXIC SUBSTANCES

TSCA Premanufacture and Notice of Commencement

TOXIC SUBSTANCES

Notice of the EPA announces the availability of receipt and status information regarding 36

premanufacture notices and 17 notices of commencement to manufacture new chemicals received by the agency from June 1-30, 2017. Comments are due Oct. 27, 2017. Contact: Jim Rahai; EPA, Office of Pollution Prevention and Toxics; 202-564-8593; rahai.jim@epa.gov

82 FR 45015 (09/27/2017)

Regulatory Update

TOXIC SUBSTANCES

TSCA Premanufacture and Notice of Commencement

TOXIC SUBSTANCES

Notice of the EPA announces the availability of receipt and status information regarding 49 premanufacture notices and 30 notices of commencement to manufacture new chemicals received by the agency from July 3-31, 2017. Comments are due Oct. 27, 2017. Contact: Jim Rahai; EPA, Office of Pollution Prevention and Toxics; 202-564-8593; rahai.jim@epa.gov

82 FR 45019 (09/27/2017)

Regulatory Update

WATER

Delaware River and Bay Water Quality Assessment Report

WATER

Notice of the Delaware River Basin Commission announces the availability of the proposed methodology for the 2018 Delaware River and Bay Quality Assessment Report. The biennial report will provide an assessment of how the Delaware River and Bay are attaining designated uses in accordance with Section 305(b) of the Clean Water Act and federal water quality requirements and will identify impaired waters. Comments are due Dec. 31, 2017. Contact: John Yagecic; DRBC; 609-883-9500; john.yagecic@drbc.nj.gov. Citations: 18 CFR 410

82 FR 45009 (09/27/2017)

Regulatory Update

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