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**From:** Bloomberg BNA  
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## **EHS Federal Regulatory Alert**

August 14, 2017 - Number 155

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### Summaries

*AIR*

California SIP/San Joaquin Valley Unified APCD

**AIR**

Final rule of the EPA approves a revision to the San Joaquin Valley Unified Air Pollution Control District (APCD) portion of the California SIP. The revision addresses a local rule concerning emissions of nitrogen oxides and particulate matter from boilers, steam generators, and process heaters. The revision specifies that the use of liquefied petroleum gas in tree nut pasteurizers is permitted in addition to Public Utilities Commission quality natural gas. The rule is effective Sept. 13, 2017. Contact: Nancy Levin; EPA Region 9; 415-972-3848; levin.nancy@epa.gov. Citations: 40 CFR 52.220

82 FR 37817 (08/14/2017)

Regulatory Update

*AIR*

Connecticut SIP/New Source Review Requirements for 2008 Ozone NAAQS

**AIR**

Direct final rule of the EPA approves a revision to the Connecticut SIP regarding nonattainment new source review permit requirements for the 2008 eight-hour ozone NAAQS for the Greater Connecticut area and the Connecticut portion of the New York-Northern New Jersey-Long Island nonattainment area. The revision addresses the change in classification of both nonattainment areas from marginal to moderate and specifies that the state's SIP complies with anti-backsliding requirements. The rule is effective Oct. 13, 2017, unless adverse comments are received by Sept. 13, 2017. Contact: Donald Dahl; EPA Region 1, Office of Ecosystem Protection; 617-918-1657; dahl.donald@epa.gov. Citations: 40 CFR 51.1105, 52.377

82 FR 37819 (08/14/2017)

Regulatory Update

**AIR**

**Connecticut SIP/New Source Review Requirements for 2008 Ozone NAAQS**

**AIR**

Proposed rule of the EPA would approve a revision to the Connecticut SIP regarding nonattainment new source review permit requirements for the 2008 eight-hour ozone NAAQS for the Greater Connecticut area and the Connecticut portion of the New York-Northern New Jersey-Long Island nonattainment area. The revision addresses the change in classification of both nonattainment areas from marginal to moderate and specifies that the state's SIP complies with anti-backsliding requirements. A concurrent final rule adopts the provisions, effective Oct. 13, 2017. Comments are due Sept. 13, 2017. Contact: Donald Dahl; EPA Region 1, Office of Ecosystem Protection; 617-918-1657; dahl.donald@epa.gov. Citations: 40 CFR 51.1105, 52.377

82 FR 37829 (08/14/2017)

**Regulatory Update**

**AIR**

**Stationary Source Particulate Matter Monitoring**

**AIR**

Final rule of the EPA revises new source performance standards for emission monitoring system quality assurance of particulate matter (PM) (Procedure 2). The rule modifies the procedure for assessing PM continuous emissions monitoring systems (CEMS) to allow facilities to extend the correlation regression line set during testing to the lowest PM CEMS response obtained during the annual response correlation audit or relative response audit when a PM CEMS response is less than the lowest response used to develop the existing correlation curve. The rule is effective Sept. 13, 2017. Contact: Kimberly Garnett; EPA, Office of Air Quality Planning and Standards; 919-541-1158; garnett.kim@epa.gov. Citations: 40 CFR 60, Appendix F

82 FR 37822 (08/14/2017)

**Regulatory Update**

***ENDANGERED SPECIES***

**Atlantic Fleet Training and Testing Study Area/Marine Mammals Incidental Take**

**ENDANGERED SPECIES**

Notice of the National Marine Fisheries Service announces the receipt of a request from the U.S. Navy for authorization to take marine mammals incidental to sonar activities conducted at the Atlantic Fleet Training and Testing Study Area in the western Atlantic Ocean, portions of the Caribbean Sea, and the Gulf of Mexico. The authorization would allow take in the form of Level A and Level B harassment from October 2018 through October 2023 of 39 marine mammals incidental to activities from the use of sonar and other transducers, in-water detonations, air guns, and impact pile driving/vibratory extraction. The authorization also would allow nine mortalities of four marine mammal species during ship shock trials and three takes by injury or mortality from vessel strikes. Comments are due Sept. 13, 2017. Contact: Stephanie Egger; NMFS, Office of Protected Resources; 301-427-8401

82 FR 37851 (08/14/2017)

Regulatory Update

**ENDANGERED SPECIES**

Virginia/Atlantic Sturgeon Chesapeake Bay DPS Incidental Take Permit

**ENDANGERED SPECIES**

Notice of the National Marine Fisheries Service announces the receipt of an application and draft habitat conservation plan from Dominion Virginia Power, of Richmond, Va., for a 10-year incidental take permit for the Chesapeake Bay distinct population segment of the endangered Atlantic sturgeon in connection to continued operation and maintenance of the Dominion Chesterfield Power Station in Chesterfield, Va. The authorization would allow take incidental to otherwise lawful activities associated with the withdrawal of cooling water from the James River and entrainment and impingement sampling. The notice also announces the availability of a draft environmental assessment for the proposed activities. Comments are due Sept. 13, 2017. Contact: Julie Crocker; NMFS; 978-282-8480

82 FR 37849 (08/14/2017)

Regulatory Update

**ENDANGERED SPECIES**

Washington State/Mazama Pocket Gopher Incidental Take Permit

**ENDANGERED SPECIES**

Notice of the U.S. Fish and Wildlife Service announces the receipt of an application and proposed habitat conservation plan from a private citizen for a two-year incidental take permit for the threatened Olympia subspecies of the Mazama pocket gopher in connection with the construction of a single-family home in Thurston County, Wash. The agency also has prepared a draft environmental action statement for its preliminary determination that the project is "low-effect" and is eligible for a categorical exclusion under the National Environmental Policy Act. Comments are due Sept. 13, 2017. Contact: Tim Romanski; USFWS, Washington Fish and Wildlife Office; 360-753-5823

82 FR 37896 (08/14/2017)

Regulatory Update

**FOOD SAFETY**

Ultrafiltered Milk in the Production of Standardized Cheeses

**FOOD SAFETY**

Notice of the FDA announces the availability of a guidance for industry for manufacturers seeking to use ultrafiltered (UF) milk or UF nonfat milk in the production of standardized cheeses and related cheese products. "UF milk" is defined as raw or pasteurized milk that passed over one or more semipermeable membranes to partially remove water, lactose, minerals, and water soluble vitamins, without altering the casein-whey protein ratio of the milk, resulting in a liquid product. "UF nonfat milk" is defined similarly, with the exception that raw or pasteurized nonfat milk is used. Upon completion of a rulemaking action, the agency intends to exercise enforcement discretion regarding the use of UF milk in the production of standardized cheese and related cheese products. The agency also will exercise enforcement discretion regarding the declaration

of ingredients in the labeling of such products when fluid UF milk and fluid UF nonfat milk are used as ingredients. Comments may be submitted at any time. Contact: Terri Wenger; FDA, Center for Food Safety and Applied Nutrition; 240-402-2373. Citations: 21 CFR 133

82 FR 37815 (08/14/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

International Drug Scheduling

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the FDA announces a request for comments concerning abuse potential, actual abuse, medical usefulness, trafficking, and impact of scheduling changes on availability for medical use of 17 drug substances, including various synthetic opioids and cannabinoids. Comments received will be considered in preparing a response from the U.S. to the World Health Organization (WHO) regarding the abuse liability and diversion of the drugs. WHO will use the information to consider whether to recommend that certain international restrictions be placed on the drugs during the meeting of its 39th Expert Committee on Drug Dependence, scheduled for Nov. 6-10, 2017, in Geneva. Comments are due Sept. 13, 2017. Contact: James Hunter; FDA, Center for Drug Evaluation and Research; 301-796-3156; james.hunter@fda.hhs.gov

82 FR 37866 (08/14/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Maine/American Tissue Hydroelectric Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice of FERC announces the filing of an application by KEI (Maine) Power Management (III) LLC, of Gardiner, Maine, for a subsequent minor license for the American Tissue Hydroelectric Project, on the Cobbosseecontee Stream in Gardiner. The existing project involves a run-of-river mode with an average annual generation of 5,430 megawatt-hours. The proposed revision concerns the year-round release of minimum flows of 10 cubic feet per second (cfs) and 52 cfs into project facilities and the construction and operation of an upstream passage facility for American eel. The commission seeks comments concerning Scoping Document 1 that includes the information to be addressed in the environmental assessment. Comments are due Sept, 7, 2017. Contact: John Baummer; FERC; 202-502-6837; john.baummer@ferc.gov

82 FR 37856 (08/14/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Virginia/Claytor Hydroelectric Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice of FERC announces the filing of a hydroelectric application for a project license amendment for the Claytor Hydroelectric Project on the New River in Pulaski County, Va. The licensee, Appalachian Power Co., of Roanoke, Va., seeks to revise the project's shoreline

management plan by updating the table to reflect current data, modifying vegetation removal requirements, adding permitting exceptions, and clarifying various terms. Comments, motions to intervene, and protests are due Sept. 6, 2017. Contact: Krista Sakallaris; FERC; 202-502-6302; Krista.Sakallaris@ferc.gov

82 FR 37854 (08/14/2017)

Regulatory Update

**HAZARDOUS MATERIALS TRANSPORTATION**

Department of State International Maritime Organization Meeting

**HAZARDOUS MATERIALS TRANSPORTATION**

Notice of the State Department announces a meeting to prepare for the fourth session of the International Maritime Organization (IMO) Subcommittee on Carriage of Cargoes and Containers, to be held Sept. 11-15, 2017, in London. The meeting agenda includes discussions regarding other IMO body decisions; amendments to and interpretations of various codes, regulations, and conventions; and consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas. The agenda also includes discussions regarding the development of guidelines for low-flashpoint fuels and the suitability of high-manganese austenitic steel for cryogenic service. The meeting is scheduled for Aug. 30, 2017, in Washington, D.C., and via teleconference. Contact: Amy Parker; U.S. Coast Guard; 202-372-1423; Amy.M.Parker@uscg.mil

82 FR 37976 (08/14/2017)

Regulatory Update

**HAZARDOUS MATERIALS TRANSPORTATION**

Industrial Plant and Tourist Railroad Bridge Safety Standards

**HAZARDOUS MATERIALS TRANSPORTATION**

Notice of the Federal Railroad Administration announces the submission of a continuing information collection request to the OMB regarding industrial plant and insular tourist railroads subject to FRA bridge safety standards. The collection requires operators of industrial plants and tourist railroads exempt from reporting requirements to advise the FRA by email that there are bridges within the installation that are potentially subject to bridge safety standards. Comments are due Sept. 13, 2017. Contact: Robert Brogan; FRA, Office of Railroad Safety; 202-493-6292. Citations: 49 CFR 237

82 FR 37977 (08/14/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**

Advisory Board on Radiation and Worker Health/Dose Reconstruction Reviews

Subcommittee Meeting

**OCCUPATIONAL SAFETY AND HEALTH**

Notice of the National Institute for Occupational Safety and Health announces a meeting of the Advisory Board on Radiation and Worker Health Subcommittee for Dose Reconstruction

Reviews. The meeting will address dose reconstruction cases from the Oak Ridge sites, Hanford, the Fernald Feed Materials Production Center, the Livermore National Laboratory, the Mound Plant, the Rocky Flats Plant, the Nevada test site, the Idaho National Laboratory, the Savannah River site, Brookhaven National Laboratory, Westinghouse, the Uranium Mill in Monticello, Ventron Corp., Weldon Springs Plant, other Energy Department and "Atomic Weapons Employer" facilities, and W.R. Grace & Co. The meeting is scheduled for Sept. 28, 2017, via conference call. Comments are due Sept. 28, 2017. Contact: Theodore Katz; NIOSH; 513-533-6800; [ocas@cdc.gov](mailto:ocas@cdc.gov)

82 FR 37861 (08/14/2017)

Regulatory Update

**OCCUPATIONAL SAFETY AND HEALTH**  
**NIOSH Board of Scientific Counselors Meeting**  
**OCCUPATIONAL SAFETY AND HEALTH**

Notice of the National Institute for Occupational Safety and Health announces a meeting of the Board of Scientific Counselors. The agenda addresses occupational safety and health issues concerning stockpiled surgical gowns and respirators, the increased use and complexity of robots, NIOSH's disaster science responder research, and fentanyl exposures to emergency responders. The meeting is scheduled for Sept. 26, 2017, in Washington, D.C., and via teleconference and via webcast. Comments are due Sept. 26, 2017. Contact: Alberto Garcia; NIOSH; 413-841-4596

82 FR 37858 (08/14/2017)

Regulatory Update

**RADIATION**  
**Louisiana/Entergy River Bend Station Unit 1**  
**RADIATION**

Notice of the NRC announces the receipt of a license renewal application from Entergy Operations Inc., of Jackson, Miss., for continued operation of the River Bend Station, Unit 1, boiling-water reactor located in St. Francisville, La. The applicant requests authorization to operate the unit for an additional 20 years beyond the current license expiration date of Aug. 29, 2025. The NRC will prepare an environmental impact statement as a supplement to the generic environmental impact statement for license renewal of nuclear power plants (NUREG-1437). Meetings will be announced at a later date. Hearing requests and petitions to intervene are due Oct. 13, 2017. Contact: Emmanuel Sayoc; NRC, Office of Nuclear Reactor Regulation; 301-415-4084; [Emmanuel.Sayoc@nrc.gov](mailto:Emmanuel.Sayoc@nrc.gov). Citations: 10 CFR 51

82 FR 37908 (08/14/2017)

Regulatory Update

**TOXIC SUBSTANCES**  
**Scientific Advisory Committee on Alternative Toxicological Methods Meeting**  
**TOXIC SUBSTANCES**

Notice of the NIH announces a meeting of the Scientific Advisory Committee on Alternative

**Toxicological Methods.** The committee advises the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), the National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods, and the director of the National Institute of Environmental Health Sciences and NTP. The agenda will include a discussion of the U.S. strategic roadmap for implementation of new approaches to safety evaluation and ICCVAM activities related to the development and implementation of alternative methods. The preliminary agenda, a roster of committee members, and background materials will be available by Aug. 15, 2017. The meeting is scheduled for Sept. 18-19, 2017, in Bethesda, Md., and via webcast. Comments are due Sept. 11, 2017. Contact: Mary Wolfe; NIH, Office of Liaison, Policy and Review; 919-541-7539; wolfe@niehs.nih.gov

82 FR 37885 (08/14/2017)

Regulatory Update

***WATER***

Texas/Lynx Terminals Liquefied Hazardous Gas Project

**WATER**

Notice of the U.S. Coast Guard announces the receipt of a letter of intent and preliminary waterways suitability assessment regarding a liquefied hazardous gas (LHG) terminal in Port Arthur, Texas, proposed by Lynx Terminals LLC. The project involves the handling and transportation of LHG at the Port Arthur docks and would increase LHG marine traffic on the Sabine-Neches Waterway. The USCG intends to task the Area Maritime Security Committee, Port Arthur, Texas, and the Southeast Texas Waterways Advisory Council with forming a subcommittee comprised of affected port users and stakeholders to assess the proposed project and potential impacts on navigational safety and maritime security. Comments are due Sept. 13, 2017. Contact: Loan O'Brien; USCG; 409-723-6564; Loan.T.O'Brien@uscg.mil. Citations: 33 CFR 127

82 FR 37887 (08/14/2017)

Regulatory Update

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