

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
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EHS Federal Regulatory Alert

October 04, 2017 - Number 191

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Summaries

AIR

Georgia SIP/Regional Haze Progress Report

AIR

Final rule of the EPA approves a revision to the Georgia SIP regarding the state's regional haze progress report. The agency approves the state's determination that the regional haze plan is adequate to meet the reasonable progress goals for the first implementation period through 2018 and does not currently require substantive revisions. The rule is effective Nov. 3, 2017. Contact: Michele Notarianni; EPA Region 4, Air Planning and Implementation Branch; 404-562-9031; notarianni.michele@epa.gov. Citations: 40 CFR 52.570

82 FR 46136 (10/04/2017)

Regulatory Update

AIR

North Carolina SIP/Interstate Transport Good Neighbor Provision

AIR

Final rule of the EPA approves revisions to the North Carolina SIP regarding the good neighbor provisions of the 2008 eight-hour ozone NAAQS. The agency has determined that the SIP contains adequate provisions to prohibit emissions within the state from contributing significantly to nonattainment or interfering with maintenance of the 2008 eight-hour ozone NAAQS in any other state and that the SIP meets the requirements of prongs 1 and 2. The rule is effective Nov. 3, 2017. Contact: Ashten Bailey; EPA Region 4, Air Planning and Implementation Branch; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52.1770

82 FR 46134 (10/04/2017)

Regulatory Update

ENDANGERED SPECIES

Threatened Status for the Trispot Darter

ENDANGERED SPECIES

Proposed rule of the U.S. Fish and Wildlife Service would list the trispot darter as a threatened species. The proposal is in response to the agency's 12-month finding on a petition to list three freshwater fish, the holiday darter, the trispot darter, and the bridled darter, found in Alabama, Georgia, and Tennessee, as threatened or endangered. The agency has determined that listing the holiday and bridled darters is not warranted at this time. Hearing requests are due Nov. 20, 2017. Comments are due Dec. 4, 2017. Contact: Bill Pearson; USFWS, Alabama Ecological Services Field Office; 251-441-5181. Citations: 50 CFR 17.11

82 FR 46183 (10/04/2017)

Regulatory Update

ENDANGERED SPECIES

Virginia, West Virginia/Candy Darter Threatened Status

ENDANGERED SPECIES

Proposed rule of the U.S. Fish and Wildlife Service would list the candy darter, a freshwater fish species from Virginia and West Virginia, as a threatened species. The proposed listing is based on the agency's determination that hybridization with the variegate darter is the primary threat to the candy darter. The agency has prepared a species status assessment report that provides a compilation and assessment of the best scientific and commercial information available concerning the status of the candy darter, including the past, present, and future factors influencing the species. The agency seeks information not already included in the SSA Report regarding the species' biology, range, and population trends; factors affecting continued existence; the potential for additional introductions of the variegate darter into unaffected watersheds; and potential prohibitions and instream and bank habitat restoration activities to benefit the species. Hearing requests are due Nov. 20, 2017. Comments are due Dec. 4, 2017. Contact: John Schmidt; USFWS, West Virginia Ecological Services Field Office; 304-636-6586. Citations: 50 CFR 17.11

82 FR 46197 (10/04/2017)

Regulatory Update

FOOD SAFETY

Codex Intergovernmental Task Force on Antimicrobial Resistance

FOOD SAFETY

Notice of the Food Safety and Inspection Service announces a meeting to discuss agenda items and draft positions at the 5th Session of the Ad Hoc Codex Intergovernmental Task Force on Antimicrobial Resistance of the Codex Alimentarius Commission to be held Nov. 27-Dec. 1, 2017, in Jeju, South Korea. The agenda includes discussion of matters of the U.N. Food and Agriculture Organization, the World Health Organization, and other intergovernmental organizations, including a progress report on the request for scientific advice on foodborne antimicrobial resistance. The agenda also includes discussion of a proposed draft revision of the Code of Practice to Minimize and Contain Resistance and the draft guidelines on integrated surveillance of antimicrobial resistance. The meeting is scheduled for Nov. 7, 2017, in Washington, D.C., and via conference call. Comments are due Nov. 7, 2017. Contact: Kenneth Lowery; FSIS, U.S. Codex

Office; 202-690-4042; kenneth.lowery@fsis.usda.gov

82 FR 46212 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Advisory Committee on Reactor Safeguards Meeting Procedures

GENERAL ENVIRONMENT AND SAFETY

Notice of the NRC announces the availability of procedures for meetings conducted by the Advisory Committee on Reactor Safeguards. The procedures address public participation in ACRS full committee meetings, including the development of agendas. The procedures also remove requirements that ACRS subcommittee meetings apply Federal Advisory Committee Act requirements if the subcommittee's recommendations would be independently reviewed by its parent committee. The procedures also address closed sessions for discussion of proprietary information. Contact: Annette Vietti-Cook; NRC; 301-415-1969; NRCExecSec@nrc.gov

82 FR 46312 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Colorado/Bull Mountain Unit Master Development Plan

GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management announces the availability of the record of decision (ROD) for the Bull Mountain Unit Master Development Plan in Gunnison County, Colo. The BLM has selected the preferred Alternative D, as modified, for the project. The ROD is based on the July 8, 2016, final environmental impact statement (81 FR 44652). Contact: Gina Phillips; BLM, Uncompahgre Field Office; 970-240-5300; gphillips@blm.gov

82 FR 46280 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Drug and Biological Product Pregnancy and Lactation Labeling

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the FDA to seek OMB approval for a continuing information collection request concerning the content and format of labeling for human prescription drugs and biological products relating to pregnancy and lactation. The collection addresses the submission of a summary of the risks of using a drug during pregnancy and lactation and a discussion of the data supporting that summary. The collection also addresses inclusion on the label of information about pregnancy testing, contraception, and infertility to help health care providers make prescribing decisions and counsel patients about the use of drugs during pregnancy and lactation. Comments are due Dec. 4, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov

82 FR 46248 (10/04/2017)

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 alters minimum flows into project facilities, upgrades the existing downstream fish passage facility, and reduces or ceases generation during nighttime hours during the downstream eel passage season if dead/injured or entrained eels are observed. The proposed revision also adds an upstream passage facility for American eel and revises the project boundary by removing most of the bypassed reach. Comments, protests, and motions to intervene are due Nov, 27, 2017. Contact: John Baummer; FERC; 202-502-6837; john.baummer@ferc.gov

82 FR 46228 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Massachusetts/Northfield Mountain Pumped Storage Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application for the Northfield Mountain Pumped Storage Project located on the Connecticut River in Franklin County, Mass. The applicant, FirstLight Hydro Generating Co., of Hartford, Conn., requests a temporary amendment of the minimum and maximum reservoir elevation requirement. The applicant requests an increase to the upper water surface evaluation limit level to 1,004.5 feet mean sea level (msl) and 920 feet msl for the lower limit. FirstLight specifies that the changes would result in an increase in the maximum daily generation to 10,779 megawatt-hours and provide Independent System Operator New England Inc., of Holyoke, Mass., with additional resources to address winter reliability needs. Comments, motions to intervene, and protests are due Oct. 30, 2017. Contact: Christopher Chaney; FERC; 202-502-6778; christopher.chaney@ferc.gov

82 FR 46234 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Patient Engagement Advisory Committee

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a webcast for a previously announced meeting of the Center for Devices and Radiological Health Patient Engagement Advisory Committee (82 FR 34681; 07/26/2017). The committee provides advice and recommendations to the FDA on complex issues relating to medical devices, the regulation of devices, and their use by patients. The agenda includes discussion of patient input into medical device clinical trials. The notice also updates meeting times. The meeting is scheduled for Oct. 11-12, 2017, in Gaithersburg, Md.

Contact: Letise Williams; FDA, Center for Devices and Radiological Health; 301-796-8398;
Letise.Williams@fda.hhs.gov

82 FR 46250 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Renewable Fuel Standard Program

GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of supplemental data and a request for comments regarding a July 21, 2017, proposed rule (82 FR 34206) to establish renewable fuel percentage standards for all gasoline and diesel produced or imported in the U.S. The rule would reduce the required volume of all of the fuel categories other than biomass-based diesel from 2017 levels due to an anticipated shortfall in the production of cellulosic biofuel. The EPA seeks additional comments concerning ways to determine the 2018 and 2019 volume requirements for biomass-based diesel (BBD). The supplemental data addresses production, imports, and cost of renewable fuel and provides options for establishing the BBD volume requirements using the EPA's waiver authorities. Comments are due Oct. 19, 2017. Contact: Julia MacAllister; EPA, Office of Transportation and Air Quality; 734-214-4131; macallister.julia@epa.gov; Citations: 40 CFR 80

82 FR 46174 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Small Hydropower Projects/Preliminary Permits

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to seek OMB approval for two continuing information collection requests. The first collection (FERC-505) addresses preliminary permit extensions and licensing exemptions for qualifying small hydropower projects and conduit facilities. The second collection (FERC-512) addresses preliminary permit requirements for hydropower facilities to allow the applicants to conduct surveys to prepare maps, plans, specifications, and estimates; to conduct engineering, economic, and environmental feasibility studies; and to make financial arrangements. Comments are due Dec. 4, 2017. Contact: Ellen Brown; FERC; 202-502-8663; DataClearance@FERC.gov

82 FR 46231 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Southeast Market Pipelines Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of a draft supplemental environmental impact statement for the Southeast Market Pipelines Project. The project involves the construction and operation of three separate but interconnected pipeline systems totaling approximately 685 miles, including the Sabal Trail Project in Alabama, Florida, and Georgia; the Florida Southeast

Connection Project in Florida; and the Hillabee Expansion Project in Alabama. The SEIS is being prepared in response to a 2017 court opinion regarding FERC's environmental review of the project. The draft SEIS estimates the greenhouse gas emissions generated by the project's customers' downstream facilities, describes the methodology used to determine these estimates, addresses the magnitude of the emissions, and addresses the value of using the social cost of carbon tool. The draft SEIS also provides FERC's conclusion that with the applicants' implementation of impact avoidance, minimization, and mitigation measures, the project would not result in a significant impact on the environment. Comments are due Nov. 20, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 46233 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Vermont/Great Falls Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application by the Village of Lyndonville Electric Department for the Great Falls Hydroelectric Project on the Passumpsic River in Lyndon, Vt. The applicant requests a new major license to continue operation of the project, install an automatic pond level control system, and develop a minimum flow monitoring plan. The project also would include construction and maintenance of a new carry-in boat access trail downstream of the tailrace, a bank fishing area, and a parking area outside the project gates. Lyndonville operates the existing project in a run-of-river mode with an annual average generation of approximately 3,960 megawatt-hours and is not proposing any changes in project operation. The commission requests comments on Scoping Document 1, which includes information to be addressed in the environmental assessment. Comments are due Oct. 27, 2017. Contact: Bill Connelly; FERC; 202-502-8587; william.connelly@ferc.gov

82 FR 46235 (10/04/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
New Mexico/San Mateo Uranium Mine Site
HAZARDOUS WASTE CLEANUP

Notice of the Department of Justice announces a proposed consent decree in United Nuclear Corp. v. United States (Civil Action No. 15-cv-411), lodged on Sept. 22, 2017, with the U.S. District Court for the District of New Mexico. The consent decree resolves claims and counterclaims under CERCLA for contamination associated with past uranium mining operations conducted by United Nuclear Corp., El Paso Natural Gas Co., and Homestake Mining Co. of California at the San Mateo Uranium Mine Site in Cibola County, N.M. The consent decree requires the U.S. to pay \$1.595 million to the mining companies and requires the mining companies to pay \$25,000 to the Superfund. The U.S. and the mining companies covenant not to sue or bring claims for past and future work concerning implementation of the unilateral administrative order or response costs, and the mining companies will be protected from contribution actions or claims. Comments are due Nov. 3, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 46286 (10/04/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Mine Accident Recordkeeping and Reporting

OCCUPATIONAL SAFETY AND HEALTH

Notice of the Mine Safety and Health Administration announces the submission of a continuing information collection request to the OMB concerning requirements to report mine accidents, injuries, and illnesses within 10 working days of any such incident and requirements to file quarterly mine employment and coal production data reports. The requirements apply to all mine operators and independent contractors working on mine property. The reports are used to improve agency safety and health enforcement programs, focus agency education and training efforts, and establish technical assistance activities in mine safety and health. Comments are due Nov. 3, 2017. Contact: Michel Smyth; Department of Labor; 202-693-4129; dol_pra_public@dol.gov. Citations: 30 CFR 50.20, 50.30

82 FR 46288 (10/04/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

NRC Notice to Employees

OCCUPATIONAL SAFETY AND HEALTH

Notice of the NRC announces the availability of a revised version of Form 3 that describes certain responsibilities and rights of employers and employees who engage in NRC-regulated activities. The form also describes how employees can report violations or other safety concerns directly to the NRC. The revisions correct the map of the NRC regions and clarify operation of the headquarters operations center. NRC licensees are required to post the revised form at prominent locations at the workplace within 30 days of receipt from the NRC. Contact: Lisamarie Jarriel; NRC, Office of Enforcement; 301-287-9006; Lisamarie.Jarriel@nrc.gov. Citations: 10 CFR 19.11

82 FR 46310 (10/04/2017)

Regulatory Update

WATER

Nevada/Clean Water Act Consent Decree

WATER

Notice of the Department of Justice announces a proposed consent decree in United States v. City of North Las Vegas (Civil Action No. 2:17-cv-02508), lodged on Sept. 27, 2017, with the U.S. District Court for the District of Nevada. The consent decree addresses alleged violations of the Clean Water Act, federal pretreatment standards requirements, the terms of the city's NPDES permit, federal pretreatment requirements, and state water pollution control law. The consent decree requires the city to pay a \$385,000 civil penalty and to comply with its NPDES permit, federal pretreatment requirements, and state law. The consent decree also requires the city to submit its pretreatment program to the EPA for final approval. Comments are due Nov. 3, 2017. Contact: Henry Friedman; DOJ; 202-514-2701

82 FR 46287 (10/04/2017)

Regulatory Update

WATER

Susquehanna River Basin Commission Hearing

WATER

Notice of the Susquehanna River Basin Commission announces a hearing to receive testimony regarding 18 projects, including new, renewed, and revised applications for groundwater and surface water withdrawals and consumptive water use. The hearing is scheduled for Nov. 2, 2017, in Harrisburg, Pa. Comments are due Nov. 13, 2017. Contact: Jason Oyler; SRBC; 717-238-0423

82 FR 46343 (10/04/2017)

Regulatory Update

WATER

Waiver of Compliance with Navigation Laws/Hurricane Maria

WATER

Notice of the Department of Homeland Security, Office of the Secretary, announces an immediate 10-day waiver of provisions of the Jones Act. The act requires certain vessels providing transportation of merchandise by water or by water and land between points in the U.S. to have a coastwise endorsement, or the vessel to have been built in and documented under U.S. laws and to be wholly owned by U.S. citizens. The waiver, which was requested by the Defense Department, is being provided due to severe damage to Puerto Rico's infrastructure by Hurricane Maria. The waiver is effective Sept. 28, 2017, and expires Oct. 18, 2017. Contact: DHS; 202-282-8010

82 FR 46254 (10/04/2017)

Regulatory Update

WATER

Washington State/Yakima River Basin Conservation Advisory Group

WATER

Notice of the Bureau of Reclamation announces a meeting of the Yakima River Basin Conservation Advisory Group. The agenda includes presentations and discussions regarding completed water projects, proposed projects, and projects currently under construction. The agenda also includes updates on current basin hydrology and operations, native fish issues, Riverware modeling, and state Department of Ecology projects and funding. The meeting is scheduled for Oct. 19, 2017, in Yakima, Wash. Comments are due Oct. 12, 2017. Contact: Gwendolyn Christensen; Bureau of Reclamation, Columbia-Cascades Area Office; 509-575-5848; gchristensen@usbr.gov

82 FR 46281 (10/04/2017)

Regulatory Update

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