

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bloomberg BNA  
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**Subject:** Sep. 08 -- EHS Federal Regulatory Alert



## **EHS Federal Regulatory Alert**

September 08, 2017 - Number 173

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### Summaries

*AIR*

#### **Alaska SIP/Fairbanks North Star 2006 24-Hour PM-2.5 Moderate Area Plan** **AIR**

Final rule of the EPA approves revisions to the Alaska SIP regarding the 2006 24-hour fine particulate matter (PM-2.5) NAAQS in the Fairbanks North Star Borough moderate PM-2.5 nonattainment area (FNSB NAA). The revisions reflect numerous state attainment plan submissions for the FNSB NAA, collectively referred to as the FNSB Moderate Plan. The agency has determined that the FNSB Moderate Plan meets the requirements for base year and projected emissions inventories; precursor demonstrations; analysis; and imposition of reasonably available control measures and reasonably available control technology level emission controls, reasonable further progress (RFP), and quantitative milestones. The rule also approves the 2017 motor vehicle emissions budgets, which are derived from an approvable RFP demonstration. In addition, the rule approves state and local rules as part of the FNSB Moderate Plan and exceptional event demonstrations. The rule is effective Oct. 10, 2017. Contact: Claudia Vaupel; EPA Region 10, Office of Air and Waste; 206-553-6121; vaupel.claudia@epa.gov. Citations: 40 CFR 52.70

82 FR 42457 (09/08/2017)

#### **Regulatory Update**

*AIR*

#### **Idaho, Utah/Logan PM-2.5 Nonattainment Area Extension of Attainment Dates** **AIR**

Final rule of the EPA grants two, one-year extensions to the moderate attainment date for the Logan, Utah-Idaho, 2006 24-hour fine particulate matter (PM-2.5) NAAQS nonattainment area. In response to requests from Idaho and Utah, the rule extends the attainment date from Dec. 31, 2015, to Dec. 31, 2017. The nonattainment area will remain a moderate PM-2.5 area, with a moderate area attainment date of Dec. 31, 2017, and Idaho and Utah will not have to submit additional planning requirements for serious PM-2.5 nonattainment areas unless there is a failure

to attain the moderate standard by the extended date and the area is reclassified to a serious nonattainment area. The rule is effective Oct. 10, 2017. Contact: Crystal Ostigaard; EPA Region 8; 303-312-6602; ostigaard.crystal@epa.gov. Citations: 40 CFR 52

82 FR 42447 (09/08/2017)

Regulatory Update

**AIR**

Ohio SIP/VOC Control

**AIR**

Final rule of the EPA approves revisions to the Ohio SIP concerning volatile organic compound (VOC) control provisions. The revisions update the reasonably available control technology (RACT) requirements for the miscellaneous metal and plastic parts coatings source category for the Cleveland-Akron-Lorain area. The revisions also address a nitrogen oxide emissions limit at the Arcelor-Mittal Cleveland facility that the state is using as an offset in the anti-backsliding demonstration for architectural aluminum coatings. The rule is effective Oct. 10, 2017. Contact: Jenny Liljegren; EPA Region 5, Air Programs Branch; 312-886-6832; liljegren.jennifer@epa.gov. Citations: 40 CFR 52.1870

82 FR 42451 (09/08/2017)

Regulatory Update

**AIR**

Particulate Matter Emissions from Stationary Sources/Dry Impinger Test Method

**AIR**

Proposed rule of the EPA would update and clarify the dry impinger method for determining condensable particulate emissions from stationary sources (Method 202). The rule would revise requirements for the use of a field train proof blank and graduated cylinders and the configuration of the vertical condenser. The rule also would address limitations and required use of Method 202, containers, laboratory analytical balance requirements, field balance requirements, and pH measurement. In addition, the rule would address glassware cleaning procedures, reagent blanks, nitrogen purge requirements, data record requirements, method detection limits, and alternative blank procedures and correction value. If requested by Sept. 18, 2017, a hearing will be held Oct. 10, 2017, in Washington, D.C. Comments are due Nov. 7, 2017. Contact: Ned Shappley; EPA, Office of Air Quality Planning and Standards; 919-541-5225; shappley.ned@epa.gov. Citations: 40 CFR 51, Subpart BB, Appendix M

82 FR 42508 (09/08/2017)

Regulatory Update

**AIR**

Texas SIP/EI Paso Carbon Monoxide Limited Maintenance Plan

**AIR**

Final rule of the EPA approves a revision to the Texas SIP. The revision consists of a second 10-year maintenance plan for the eight-hour carbon monoxide NAAQS for the EI Paso area,

including the 2014 emissions inventory and a contingency plan. The rule is effective Oct. 10, 2017. Contact: Jeffrey Riley; EPA Region 6; 214-665-8542; riley.jeffrey@epa.gov. Citations: 40 CFR 52.2270

82 FR 42454 (09/08/2017)

Regulatory Update

**ENDANGERED SPECIES**

Nebraska/R-Project Transmission Line Incidental Take Permit  
**ENDANGERED SPECIES**

Notice of the U.S. Fish and Wildlife Service announces the reopening of the comment period for a May 12, 2017, notice (82 FR 22153) regarding the draft habitat conservation plan (HCP), the draft environmental impact statement (DEIS), the draft migratory bird conservation plan (MBCP), and the draft restoration management plan for an incidental take permit application from the Nebraska Public Power District, of Columbus, Neb., in connection with the construction, operation, and maintenance of the R-Project transmission line and substations in north-central Nebraska. The project consists of a 345-kilovolt transmission line that is approximately 225 miles long. The application requests an incidental take permit for 50 years for the endangered American burying beetle. The HCP describes actions to avoid, minimize, and mitigate impacts of incidental take of the beetle, the management plan outlines restoration plans for beetle habitat as well as other habitats impacted by the project, and the MBCP addresses impacts to migratory birds and bald and golden eagles. The DEIS addresses environmental impacts from the HCP and issuing the permit and from implementing the two alternatives to the proposed action. Comments now are due Nov. 7, 2017. Contact: Eliza Hines; USFWS; 308-382-6468; eliza\_hines@fws.gov

82 FR 42561 (09/08/2017)

Regulatory Update

**FOOD SAFETY**

Center for Food Safety and Applied Nutrition/Regulatory Reform  
**FOOD SAFETY**

Notice of the FDA requests comments and information concerning regulations and related paperwork requirements of the Center for Food Safety and Applied Nutrition that could be modified, repealed, or replaced. The comments are intended to help the agency implement Executive Order 13771 (82 FR 9339; 02/03/2017) and Executive Order 13777 (82 FR 12285; 03/01/2017), which provide guidance and direction to federal agencies to evaluate existing regulations and make recommendations based on factors including impacts on job creation, necessity, effectiveness, cost-benefits, and consistency with other regulatory reform initiatives. Comments are due Dec. 6, 2017. Contact: Karen Strambler; CFSAN; 240-402-2378; karen.strambler@fda.hhs.gov. Citations: 21 CFR 100 through 199

82 FR 42503 (09/08/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Center for Biologics Evaluation and Research/Regulatory Reform

## **GENERAL ENVIRONMENT AND SAFETY**

Notice of the FDA requests comments and information concerning regulations and related paperwork requirements of the Center for Biologics Evaluation and Research that could be modified, repealed, or replaced. The comments are intended to help the agency implement Executive Order 13771 (82 FR 9339; 02/03/2017) and Executive Order 13777 (82 FR 12285; 03/01/2017), which provide guidance and direction to federal agencies to evaluate existing regulations and make recommendations based on factors including impacts on job creation, necessity, effectiveness, cost-benefits, and consistency with other regulatory reform initiatives. Comments are due Dec. 6, 2017. Contact: Stephen Ripley; CBER; 240-402-7911. Citations: 21 CFR 600 through 680

82 FR 42492 (09/08/2017)

Regulatory Update

## **GENERAL ENVIRONMENT AND SAFETY**

Center for Devices and Radiological Health/Regulatory Reform

## **GENERAL ENVIRONMENT AND SAFETY**

Notice of the FDA requests comments and information concerning regulations and related paperwork requirements of the Center for Devices and Radiological Health that could be modified, repealed, or replaced. The comments are intended to help the agency implement Executive Order 13771 (82 FR 9339; 02/03/2017) and Executive Order 13777 (82 FR 12285; 03/01/2017), which provide guidance and direction to federal agencies to evaluate existing regulations and make recommendations based on factors including impacts on job creation, necessity, effectiveness, cost-benefits, and consistency with other regulatory reform initiatives. Comments are due Dec. 6, 2017. Contact: Erica Payne; CDRH; 301-796-3999; cdrh-regreview@fda.hhs.gov. Citations: 21 CFR 800 through 1050

82 FR 42494 (09/08/2017)

Regulatory Update

## **GENERAL ENVIRONMENT AND SAFETY**

Center for Drug Evaluation and Research/Regulatory Reform

## **GENERAL ENVIRONMENT AND SAFETY**

Notice of the FDA requests comments and information concerning regulations and related paperwork requirements of the Center for Drug Evaluation and Research that could be modified, repealed, or replaced. The comments are intended to help the agency implement Executive Order 13771 (82 FR 9339; 02/03/2017) and Executive Order 13777 (82 FR 12285; 03/01/2017), which provide guidance and direction to federal agencies to evaluate existing regulations and make recommendations based on factors including impacts on job creation, necessity, effectiveness, cost-benefits, and consistency with other regulatory reform initiatives. Comments are due Dec. 6, 2017. Contact: Christine Kirk; CDER; 301-796-2465; christine.kirk@fda.hhs.gov. Citations: 21 CFR 300 through 499

82 FR 42499 (09/08/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**  
Center for Tobacco Products/Regulatory Reform  
**GENERAL ENVIRONMENT AND SAFETY**

Notice of the FDA requests comments and information concerning regulations and related paperwork requirements of the Center for Tobacco Products that could be modified, repealed, or replaced. The comments are intended to help the agency implement Executive Order 13771 (82 FR 9339; 02/03/2017) and Executive Order 13777 (82 FR 12285; 03/01/2017), which provide guidance and direction to federal agencies to evaluate existing regulations and make recommendations based on factors including impacts on job creation, necessity, effectiveness, cost-benefits, and consistency with other regulatory reform initiatives. Comments are due Dec. 6, 2017. Contact: Gerie Voss; CTP; 877-287-1373; gerie.voss@fda.hhs.gov. Citations: 21 CFR 1100 through 1150

82 FR 42501 (09/08/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**  
Environmental Impact Statements  
**GENERAL ENVIRONMENT AND SAFETY**

Notice of the EPA announces the availability of environmental impact statements filed Aug. 28-Sept. 1, 2017. Contact: Kelly Knight; EPA, Office of Federal Activities; 202-564-2141; knight.kelly@epa.gov. Citations: 40 CFR 1506.9

82 FR 42551 (09/08/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**  
FDA Centers and Offices/Regulatory Reform  
**GENERAL ENVIRONMENT AND SAFETY**

Notice of the FDA requests comments and information concerning general regulatory requirements and related paperwork requirements of multiple FDA centers and/or offices that could be modified, repealed, or replaced. The comments are intended to help the agency implement Executive Order 13771 (82 FR 9339; 02/03/2017) and Executive Order 13777 (82 FR 12285; 03/01/2017), which provide guidance and direction to federal agencies to evaluate existing regulations and make recommendations based on factors including impacts on job creation, necessity, effectiveness, cost-benefits, and consistency with other regulatory reform initiatives. Comments are due Dec. 6, 2017. Contact: Megan Velez; FDA, Office of Policy; 301-796-4830; megan.velez@fda.hhs.gov. Citations: 21 CFR 1 through 1299

82 FR 42506 (09/08/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**  
FDA/Self-Collection Devices for Pap Tests Workshop

## **GENERAL ENVIRONMENT AND SAFETY**

Notice of the FDA announces a workshop to discuss self-collection devices for cervical samples for Pap tests. The workshop will include discussion of the current status of cervical cancer screening and the feasibility, benefits, and risks of self-collection devices. The workshop also will include a focus on the impact of self-collection of cervical samples on the current standard of care and the regulatory environment for supporting self-collection for Pap tests. The workshop is scheduled for Jan. 11, 2018, in Silver Spring, Md., and via webcast. Comments are due Feb. 14, 2018. Contact: Shyam Kalavar; FDA, Center for Devices and Radiological Health; 301-796-6807; Shyam.Kalavar@fda.hhs.gov

82 FR 42557 (09/08/2017)

### Regulatory Update

## **GENERAL ENVIRONMENT AND SAFETY**

### Florida/Broward and Miami-Dade Counties Combined Operational Plan

## **GENERAL ENVIRONMENT AND SAFETY**

Notice announces the intention of the U.S. Army Corps of Engineers to prepare an environmental impact statement for the combined operational plan for Broward and Miami-Dade counties in Florida. The plan will define operations for constructed features of modified water deliveries to Everglades National Park and Canal 111 South Dade Projects while maintaining congressionally authorized purposes of the Central and Southern Florida Project, including flood control; water supply for agricultural irrigation, municipalities, and industry; regional groundwater control and prevention of saltwater intrusion; enhancement of fish and wildlife; and recreation. The plan is intended to increase the availability of water deliveries from Water Conservation Area 3A to Everglades National Park through Northeast Shark River Slough and improve hydrologic conditions in Taylor Slough, the Rocky Glades, and the eastern panhandle of Everglades National Park. The draft EIS is expected to be available in 2019. A comment due date is not specified. Contact: Melissa Nasuti; USACE, Jacksonville District; 904-232-1368; melissa.a.nasuti@usace.army.mil

82 FR 42547 (09/08/2017)

### Regulatory Update

## **GENERAL ENVIRONMENT AND SAFETY**

### Oregon, Washington/Lower Columbia River Federal Navigation Channel Project

## **GENERAL ENVIRONMENT AND SAFETY**

Notice announces the intention of the U.S. Army Corps of Engineers, to jointly prepare with sponsor ports in Oregon and Washington state, an integrated environmental impact statement and maintenance plan for the Lower Columbia River Federal Navigation Channel (FNC) to increase dredged material for maintenance of the FNC for the next 20 years. The project includes a 43-foot deep main channel and extends from Columbia River, River Mile (RM) 3 to Vancouver, Wash., RM 105.5. The project also extends into lower Oregon Slough and includes vessel turning basins at Astoria, Ore., and Kalama, Longview, and Vancouver, Wash. Comments are due Nov. 16, 2017. Contact: Kate Wells; USACE; 503-808-4664; ColumbiaNavChannel@usace.army.mil

82 FR 42548 (09/08/2017)

## Regulatory Update

### **OIL AND GAS INDUSTRY**

#### Colonial Pipeline/Reid Vapor Pressure Temporary Waiver

### **OIL AND GAS INDUSTRY**

Notice of FERC announces the receipt of an emergency request from Valero Energy Corp. and Valero Marketing and Supply Co. to direct or allow Colonial Pipeline Co. to temporarily waive Reid vapor pressure (RVP) product specifications for conventional and reformulated gas that are inconsistent with EPA's Aug. 31, 2017, waiver of RVP fuel requirements due to Hurricane Harvey. Protests and motions to intervene are due Sept. 7, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 42550 (09/08/2017)

## Regulatory Update

### **PESTICIDES**

#### Pesticide Tolerances

### **PESTICIDES**

Proposed rule of the EPA would revoke certain tolerances for numerous pesticides, including carbon disulfide, dichlobenil, oxydemeton-methyl, propachlor, and thiodicarb. The rule also would revoke a tolerance exemption for insecticidal uses of d-limonene; establish two tolerance exemptions to cover both the existing insecticidal and herbicidal uses of d-limonene; harmonize certain tolerances for aluminum tris (O-ethylphosphonate) and cyromazine with international maximum residue limits; and update crop groupings or subgroupings for O-ethylphosphonate, cyromazine, isoxaben, and sulfentrazone. In addition, the rule would modify certain tolerances for O-ethylphosphonate and cyromazine; establish a cherry tolerance for dichlobenil and a tolerance exemption for tartrazine; revise the tolerance expressions for p-chlorophenoxyacetic acid and dichlobenil; and delete expired tolerances for disulfoton. Finally, the rule would revise the listing of a tolerance for forthiacloprid and update the listing of significant figures for certain existing tolerances of specific pesticide active ingredients. Comments are due Nov. 7, 2017. Contact: Joseph Nevola; EPA, Office of Pesticide Programs; 703-308-8037; nevola.joseph@epa.gov. Citations: 40 CFR 180.183 through 180.1343 (nonconsecutive)

82 FR 42531 (09/08/2017)

## Regulatory Update

### **WATER**

#### Addressing Cyber Risks at Maritime Transportation Security Act Regulated Facilities

### **WATER**

Notice of the U.S. Coast Guard announces an extension of the comment period for a July 12, 2017, notice (82 FR 32189) regarding the draft Navigation and Inspection Circular (05-17) guidance for addressing cyber risks at Maritime Transportation Security Act regulated facilities. The document clarifies existing requirements under the MTSA to incorporate analysis of computer and cyber risks and provides guidance for addressing those risks. The document also addresses incorporation of cybersecurity risks into an effective facility security assessment and policies and procedures that may reduce cyber risk to operators of maritime facilities. The

document may be used as a benchmark to develop and implement measures and activities for effective self-governance of cyber risks. Comments now are due Oct. 11, 2017. Contact: Jason Warren; USCG; 202-372-1106; Jason.S.Warren@uscg.mil

82 FR 42560 (09/08/2017)

Regulatory Update

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