

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

November 20, 2017 - Number 222

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Summaries

AIR

Arkansas SIP/Infrastructure Requirements

AIR

Proposed rule of the EPA would approve revisions to the Arkansas SIP regarding infrastructure requirements for the 2006 and 2012 fine particulate matter (PM-2.5), 2008 lead, 2008 ozone, 2010 nitrogen dioxide, and 2010 sulfur dioxide (SO₂) NAAQS. Portions of revisions concerning significant contribution to nonattainment or interference with maintenance and interference with visibility protection measures in other states of the 2008 ozone, 2010 SO₂, and the 2012 PM-2.5 NAAQS will be addressed in a separate rulemaking. Comments are due Dec. 20, 2017. Contact: Nevine Salem; EPA Region 6; 214-665-7222; salem.nevine@epa.gov. Citations: 40 CFR 52

82 FR 55065 (11/20/2017)

Regulatory Update

AIR

Delaware SIP/Ozone NAAQS Interstate Transport

AIR

Notice of the EPA announces the withdrawal of a Sept. 27, 2017, direct final rule (82 FR 44932) that would have approved 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 withdrawal is in response to adverse comments, which will be addressed in a final rule. The withdrawal is effective Nov. 20, 2017. Contact: Ellen Schmitt; EPA Region 3; 215-814-5787; schmitt.ellen@epa.gov. Citations: 40 CFR 52.420

82 FR 55052 (11/20/2017)

Regulatory Update

AIR

Iowa SIP/PM-2.5 NAAQS Infrastructure Requirements

AIR

Notice of the EPA announces the withdrawal of a Sept. 29, 2017, direct final rule (82 FR 45479) that would have approved portions of revisions to the Iowa SIP regarding infrastructure requirements for the 2012 annual fine particulate matter (PM-2.5) NAAQS. The rule would have approved revisions relating to prevention of significant deterioration (prong 3). The agency did not propose to take action on revisions concerning significant contribution (prong 1), interference with maintenance (prong 2), and visibility protection (prong 4). The withdrawal is in response to an adverse comment. The agency will proceed with a final rule based on the related proposed rule (82 FR 45550; 09/29/2017). The withdrawal is effective Nov. 20, 2017. Contact: Heather Hamilton; EPA Region 7, Air Planning and Development Branch; 913-551-7039; hamilton.heather@epa.gov. Citations: 40 CFR 52.820

82 FR 55053 (11/20/2017)

Regulatory Update

AIR

Virginia SIP/Removal of CAIR Trading Programs

AIR

Notice of the EPA announces the withdrawal of a Sept. 28, 2017, direct final rule (82 FR 45187) that would have approved 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 withdrawal is in response to an adverse comment. The agency will proceed with a final rule based on the related proposed rule (82 FR 45241; 09/28/2017). The withdrawal is effective Nov. 20, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.2420

82 FR 55052 (11/20/2017)

Regulatory Update

FOOD SAFETY

Food Safety Behaviors, Consumer Education Focus Groups

FOOD SAFETY

Notice announces the intention of the Food Safety and Inspection Service to seek OMB approval for a new information collection request concerning food safety behaviors and consumer education. The collection addresses the use of consumer focus groups to enhance messaging to improve consumers' food safety behaviors and help prevent foodborne illness. The 2018 focus groups will include a set of eight Spanish- and English-speaking groups that include parents with children under age 18 and a set of eight English-speaking groups of adults who have intentionally prepared meat or poultry dishes at home to be served undercooked or raw. Comments are due Jan. 19, 2018. Contact: Gina Kouba; FSIS, Office of Policy and Program Development; 202-720-5627

82 FR 55079 (11/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Biologics Patent Infringement Complaint
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces that an applicant for a proposed biosimilar product has notified the agency that a patent infringement action has been filed in connection with the applicant's biologics license application. Contact: Daniel Orr; FDA, Center for Drug Evaluation and Research; 240-402-0979; daniel.orr@fda.hhs.gov

82 FR 55105 (11/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Maine/Seabright Dam Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application by the town of Camden, Maine, for the Seabright Dam Project on the Megunticook River in Camden. The applicant requests to surrender the project exemption as the generation of power at the project is no longer economical. The applicant requests to remove the three transformers that connect the project to the Central Maine Power Co. grid and to continue to maintain and operate the dam for recreational use of the reservoir. Comments, protests, and motions to intervene are due Dec. 13, 2017. Contact: Marybeth Gay; FERC; 202-502-6125; Marybeth.gay@ferc.gov

82 FR 55097 (11/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Michigan/Ludington Pumped Storage Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a fish entrainment settlement agreement by Consumers Energy Co., of Jackson, Mich., and DTE Electric Co. of Detroit, regarding the Ludington Pumped Storage Project on the east shore of Lake Michigan in Mason and Ottawa counties in Michigan. The agreement would resolve among the affected parties issues associated with issuance of a new license for the project regarding fish entrainment. The affected parties request the approval and incorporation of relevant portions of the settlement agreement into any new license that may be issued for the project. The affected parties also request a 50-year license term. Comments are due Dec. 4, 2017, and reply comments are due Dec. 14, 2017. Contact: Aaron Liberty; FERC; 202-502-6862; aaron.liberty@ferc.gov

82 FR 55102 (11/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

OTC Denture Repair Kits/Premarket Notification Requirements

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the receipt of a petition requesting an exemption from premarket notification requirements for over-the-counter (OTC) denture repair kits. These class II medical devices consist of a material, such as a resin monomer system of powder and liquid glues, that is intended to be applied permanently to mend cracks or breaks. The petition was submitted by Paul Hyman of Hyman, Phelps & McNamara PC, of Washington, D.C. Comments are due Jan. 19, 2018. Contact: Rebecca Nipper; FDA, Center for Devices and Radiological Health, FDA; 301-796-6527. Citations: 21 CFR 807

82 FR 55105 (11/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Washington State/North Fork Nooksack Line Lowering Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of the environmental assessment for the North Fork Nooksack Line Lowering Project in Whatcom County, Wash. The project, proposed by Northwest Pipeline LLC, of Salt Lake City, consists of the removal and replacement of pipeline and removal of previously abandoned-in-place pipeline to reduce exposure due to river channel migration. The EA concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment. Comments are due Dec. 13, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERConlinesupport@ferc.gov

82 FR 55103 (11/20/2017)

Regulatory Update

MINING

Permits for Special Categories of Mining

MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding requirements for applicants for coal mine permits to provide descriptions, maps, plans, and data of the proposed activity. The information would be used to determine if the applicants meet certain performance standards. Comments are due Jan. 19, 2018. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 785

82 FR 55113 (11/20/2017)

Regulatory Update

MINING

Surface Coal Mining Permits/Reclamation and Operation Plans

MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding minimum requirements for reclamation and operation plans in surface coal mining permit applications. Comments are due Jan. 19, 2018. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 780

82 FR 55114 (11/20/2017)

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MINING

[Surface Coal Mining/Coal Exploration](#)

MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding requirements for coal exploration. The collection is used by the agency and state regulatory authorities to track coal exploration activities, evaluate the need for exploration permits, and ensure compliance with environmental protection and reclamation requirements. Comments are due Jan. 19, 2018. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 772, 815

82 FR 55114 (11/20/2017)

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