agency, they must also serve a copy of the
document on that resource agency.
A copy of all other filings in reference
to this application must be accompanied
by proof of service on all persons listed
in the service list prepared by the
Commission in this proceeding, in
accordance with 18 CFR 4.34(b) and
385.2010.

Dated: January 12, 2017.
Kimberly D. Bose,
Secretary.
[FR Doc. 2017–01140 Filed 1–18–17; 8:45 am]
BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION
AGENCY
[6717–01–P]
[750000000]

Revised to the PAG Manual:
Protective Action Guide (PAG) for
Drinking Water After a Radiological
Incident
AGENCY: Environmental Protection
Agency (EPA).
ACTION: Notice of availability.

SUMMARY: As part of its mission to
protect human health and the
element, the Environmental
Protection Agency publishes protective
action guides (PAGs) to help federal,
state, local and tribal emergency
response officials make radiation
protection decisions during
emergencies. EPA, in coordination with
a multi-agency working group within the
Federal Radiological Preparedness
Coordinating Committee, recently
updated its guidance manual on this
topic, titled “Protective Action Guides
and Planning Guidance for Radiological
Incidents” (referred to herein as the
PAG Manual). On December 8, 2016,
EPA announced availability of the
updated 2016 PAG Manual in the
Federal Register. In this document, EPA
is announcing that it has amended
Chapter 4 of the 2016 PAG Manual to
incorporate guidance for radiation
protection decisions concerning
drinking water. The drinking water PAG
is not binding and does not in any way
affect regulatory requirements or
enforcement of the Safe Drinking Water
Act (SDWA), including maximum
contaminant limits (MCLs) for
radionuclides established by regulation
under the SDWA. The drinking water
PAG is guidance only and is intended
for use by federal, state and local
emergency management officials in the
unlikely event of significant radiological
contamination incidents, such as a
disaster at a nuclear power plant, a
radiological dispersal device or an
improvised nuclear device, and for a
duration which may last for weeks to
months but not longer than one year.
The dose levels reflected in the drinking
water PAG provide a level of protection
against cancer risks for a short-term
(weeks to months but not longer than a
year), similar to that provided by EPA’s
MCLs for radionuclides (which are
calculated based on 70 years of
exposure). The revised drinking water
PAG is available for use upon
publication of this document in the
Federal Register, at
www.regulations.gov, under ID No.

FOR FURTHER INFORMATION CONTACT:
Samuel Hernandez, Standards and Risk
Management Division, Office of Ground
Water and Drinking Water, Mail Code
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SUPPLEMENTARY INFORMATION:
A. How can I get copies of the PAG
Manual and supporting information?

Docket: EPA has established a docket
for this action under Docket ID No.
available docket materials are available
electronically through
www.regulations.gov or in hard copy at
the Air and Radiation Docket in the EPA
Docket Center, (EPA/DC) EPA West,
Room 3334, 1301 Constitution Ave.
NW., Washington, DC 20004. The
Docket Facility is open from 8:30 a.m.
to 4:30 p.m., Monday through Friday,
excluding legal holidays. The telephone
number for the Docket’s Public Reading
Room is (202) 566–1744 and the
telephone number for the Air and
Radiation Docket is (202) 566–1742. In
accordance with normal EPA docket
procedures, if copies of any docket
materials are requested, a reasonable
fee may be charged for photocopying.

Electronic access: The PAG Manual in
electronic form suitable for printing, as
well as related guidelines and further
information, can be found on the PAGs’
Web site at http://www.epa.gov/
radiation/proactive-action-guides-pags.

B. What authority does EPA have to
provide Protective Action Guidance?

The historical and legal basis of EPA’s
role in the PAG Manual begins with the
Reorganization Plan No. 3 of 1970, in
which the Administrator of the EPA
assumed all the functions of the Federal
Radiation Council (FRC), recently
appointed by the President, to
coordinate the efforts of the various
agencies on radiological emergency
planning and preparedness. The FRC
was created under Executive Order
11850, as amended, codified at 42 U.S.C.
201(h), and was responsible for
establishing a Federal Radiological
Emergency Planning and Preparedness
Council to advise the President on
radiological issues and development of
radiological response plans and
guidelines. The FRC, in consultation
with the Nuclear Regulatory Commission
(NRC), the Atomic Energy Commission
(AEC), and the Federal Emergency
Management Agency (FEMA) (in place
of the Federal Civil Defense Agency)
under Reorganization Plan No. 3 of 1970,
section 2(a) (7), 6(a) (2); § 274.h of the
Atomic Energy Act of 1954, as amended
(AEA), codified at 42 U.S.C.
201(h)). Recognizing this role, the
Federal Emergency Management Agency
(FEMA) directed EPA, in its
Radiological Emergency Planning and
Preparedness Regulations, to “establish
Protective Action Guides (PAGs) for all
aspects of radiological emergency
planning in coordination with
appropriate federal agencies.” (44 CFR
351.22(a)). FEMA also tasked EPA with
preparing “guidance for state and local
governments on implementing PAGs,
including recommendations on
protective actions which can be taken to
mitigate the potential radiation dose to
the population.” (44 CFR 351.22(b)).
All of this information was to “be presented
in the Environmental Protection Agency
(EPA) Manual of Protective Action
Guides and Protective Actions for
Nuclear Incidents.” (44 CFR 351.22(b)).

Additionally, section 2021(h) charged
the Administrator with performing
“such other functions as the President
may assign to him [or] her by Executive
Order.” Executive Order 12656 states
that the Administrator shall “[d]evelop,
for national security emergencies,
guidance on acceptable emergency
levels of nuclear radiation. . . .”
(Executive Order No. 12656, section
1601(2)). EPA’s role in the development
was recognized by the
National Response Framework,
Nuclear/Radiological Incident Annex of
June 2008.

C. What is the PAG Manual: Protective
action guides and planning guidance
for radiological incidents?

The PAG Manual provides federal,
state and local emergency management
officials with guidance for responding to
radiological emergencies. A protective
action guide is the projected dose to an
individual from a release of radioactive
material at which a specific protective
action to reduce or avoid that dose is
recommended. Emergency management
officials use PAGs for making decisions
regarding actions to protect the public
from exposure to radiation during an
emergency. Such actions include, but
are not limited to, evacuation,
shelter-in-place, temporary relocation and
food restrictions.

Development of the PAGs was based on
the following essential principles, which
also apply to the selection of any
protective action during an incident:
• Prevent acute effects.
• Balance protection with other important factors and ensure that actions result in more benefit than harm.
• Reduce risk of chronic effects.

The PAG Manual is not a legally binding regulation or standard and does not supersede any environmental laws. This guidance does not address or impact site cleanups occurring under other statutory authorities such as the EPA’s Superfund program, the Nuclear Regulatory Commission’s (NRC) decommissioning program, or other federal or state cleanup programs. As indicated by the use of non-mandatory language such as “may,” “should” and “can,” the PAG Manual only provides recommendations and does not confer any legal rights or impose any legally binding requirements upon any member of the public, states or any other federal agency. Rather, the PAG Manual recommends projected radiation doses at which specific actions may be warranted in order to reduce or avoid that dose. The PAG Manual is designed to provide flexibility to be more or less restrictive as deemed appropriate by decision makers based on the unique characteristics of the incident and the local situation.

D. How did EPA respond to public comments on the proposed Draft Protective Action Guide for Drinking Water?

PAGs do not represent “acceptable” routine exposure in the way that regulatory standards such as maximum contaminant levels do. PAGs are guidance levels to support emergency decision making by response authorities to avoid unnecessary radiation exposure. Development and implementation of PAGs is always guided by three basic principles:

• Prevent acute effects, balance protection with other important factors and ensure that actions result in more benefit than harm, and reduce risk of chronic effects.

On June 10, 2016, EPA published a Federal Register document requesting public comments on the proposed drinking water PAG and the guidance for advance planning (81 FR 37589). EPA sought specific comments and feedback on the appropriateness of the drinking water PAG and possible implementation challenges associated with the two-tiered approach. In addition, EPA asked whether a single-tier drinking water PAG should be considered rather than using the tiered approach.

In response, EPA received over 60,000 comment letters from members of the public, state and local emergency response and health organizations, environmental advocates, industry associations and other stakeholders. Most of the comment letters expressed concerns with the proposed guidance. Commenters wrote that the proposed guidance could weaken the regulatory requirements of the Safe Drinking Water Act. In addition, environmental advocacy organizations indicated that the drinking water PAG dose levels were too high and insufficient to be protective of human health, and asked EPA to withdraw the proposed guidance and, in its place, use the National Primary Drinking Water Regulations for Radionuclides as the basis for any emergency response measures regarding drinking water.

Commenters also asserted that the proposed drinking water PAG did not conform to the National Environmental Policy Act (NEPA) as well as other regulations dealing with cleanup and waste management of radioactive contaminants. Commenters expressed doubts regarding the duration that the drinking water PAG would be implemented after an incident, claiming that the drinking water PAG could be in place for timeframes exceeding one year.

In response to comments, EPA has amended the drinking water guidance to emphasize, with regards to the scope of the drinking water PAG recommendations, that they are only intended to apply to nationally significant radiological contamination incidents, such as a disaster at a nuclear power plant, a radiological dispersal device or an improvised nuclear device, and for a duration that may last for weeks to months but not longer than one year.

Some commenters expressed concerns that PAGs would weaken drinking water standards and regulations. Environmental regulations or standards are legal limits designed to minimize health effects from everyday exposure to low levels of radiation over long periods. The PAG levels are guidance for emergency situations; they do not supplant any standards or regulations, nor do they affect the stringency or enforcement of any standards or regulations. The PAG levels are intended to be used only in an emergency when radiation levels have already exceeded environmental standards. The PAG levels trigger public health actions to minimize radiation exposures during an emergency.

To develop guidance on drinking water considerations, EPA based its assessment on lifetime living exposures to a one-year timeframe. EPA expects that the responsible party for any drinking water system adversely impacted during a radiation incident will take action to return to compliance with Safe Drinking Water Act levels as soon as practicable.

The National Primary Drinking Water Regulations establish regulatory limits designed to minimize health effects from everyday exposure to low levels of radiation over long periods; those limits are not changing with this action. Emergency guides are temporary measures to minimize risk while enabling distribution of limited resources during an emergency response.

Estimated risk of excess cancer cases for lifetime exposure (70 years) to beta emitting radioactive contaminants in drinking water at 4 mrem/yr (the MCL) generally falls in a range of risks deemed acceptable by EPA. Estimated risks associated for a shorter (one-year) exposure to radioactivity in drinking water at the proposed PAG levels fall within a similar risk range.

The drinking water PAG meets NEPA policy goals because it is based on analyses, documentation and review procedures that are functionally equivalent to NEPA. “Activities for the development of federal radiation regulations and guidance in accordance with the Atomic Energy Act of 1954 are functionally equivalent to NEPA” (63 FR 58045, October 29, 1998).

Commenters questioned whether the EPA considered cumulative effects in developing the drinking water PAG. In developing the PAG Manual, EPA considered the potential for cumulative exposure from multiple exposure pathways including: plume inhalation, immersion, ground shine, drinking water ingestions and food, among others. However, EPA has determined that for implementation purposes, it is impractical to compartmentalize joint protective actions, since allocations of dose to different segments of the population based on individual exposure routes will depend on site-specific circumstances and are impossible to quantify. While the PAGs for the various pathways are separate, emergency management officials should consider all relevant exposure routes when making protective action decisions in an emergency. In addition, incident-specific factors like geographical location, ongoing weather, the isotopes released and population affected should be considered after a contamination event, and specific exposure routes should be identified to allow for different types of protective actions to be aimed at the specific risks to be avoided.
Several commenters from state emergency management agencies and radiation control programs expressed support for EPA’s proposal, stating that the guidance was well developed and technically sound; and that the incorporation of the drinking water PAG into the PAG Manual is a critical aspect of a coordinated emergency response after a radiation contamination incident.

Some commenters suggested that while they support the incorporation of the drinking water PAG, they believe the proposed PAG was too conservative and that EPA should consider establishing the PAG in the 2,000 to 10,000 mrem range.

EPA believes that the drinking water PAG should be consistent with and within the range of currently available guidance for other exposure pathways during the intermediate phase. Also, when possible, the drinking water PAG recommendations should be based on an additional level of protection to sensitive life-stages. For short-term incidents, as explained in the PAG Manual, it is appropriate to have a 500 mrem PAG level for drinking water for the general population and a lower-tier PAG level of 100 mrem for persons at sensitive life-stages, including pregnant women, nursing women, and children 15 years old and under. This approach of setting a two-tier level of protection incorporates suggestions submitted by commenters regarding the adequate consideration of children and sensitive subpopulations.

There is an abundance of caution built into the derivation of the drinking water PAG through a variety of assumptions, including conservative dose-response modeling; selection of the most sensitive life stages to derive the PAG for children through age 15 years; and, the assumption of no decay of isotopes over the calculated one-year exposure period, which may be appropriate in some situations. This action ensures that the protective measures it recommends are appropriate for all members of the public, including sensitive subpopulations.

E. What is the timeframe for implementation of this PAG Manual?

Emergency management and radiation protection organizations that use the PAGs in their emergency plans are encouraged to incorporate this updated guidance as soon as possible. This may entail training, as well as the update of plans and procedures. Outreach and technical training will be conducted by EPA, the Federal Radiological Monitoring and Assessment Center and interagency partners of the PAG Subcommittee. FEMA expects certain organizations associated with nuclear power plant operations to use the PAG Manual in developing their emergency management plans. FEMA plans to begin using the new PAG Manual during their evaluation of offsite response organizations around nuclear power facilities 12 months after the publication of this document in the Federal Register.

For further information and related guidelines, see the EPA Web site: http://www.epa.gov/radiation/protective-action-guides-pags. Keywords include: drinking water, radiation, radiological incident, emergency and protective action guide.


Joel Beauvais,
Deputy Assistant Administrator, Office of Water.

[F] R. D. 2017–01230 Filed 1–18–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY


California State Nonroad Engine Pollution Control Standards; Commercial Harbor Craft Regulations; Notice of Decision

AGENCY: Environmental Protection Agency.

ACTION: Notice of decision.

SUMMARY: The Environmental Protection Agency (“EPA”) is granting the California Air Resources Board (“CARB”) its request for an authorization of its amendments to its Commercial Harbor Craft regulations (“CHC Amendments”). CARB’s CHC Amendments are within the scope of a prior EPA authorization. CARB’s CHC Amendments primarily subject diesel-fueled engines on crew and supply, barge and dredge vessels to the in-use engine emission requirements of the original CHC regulations; allow CARB or EPA Tier 2 or higher tier certified off-road (“nonroad”) engines to be used as auxiliary or propulsion engines in both new and in-use CHC vessels; and clarify requirements and address certain issues that have arisen during CARB’s implementation of the original CHC regulations. This decision is issued under the authority of the Clean Air Act (“CAA” or “Act”).

DATES: Petitions for review must be filed by March 20, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID EPA–HQ–OAR–2014–0534. All documents relied upon in making this decision, including those submitted to EPA by CARB, are contained in the public docket. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air and Radiation Docket in the EPA Headquarters Library, EPA West Building, Room 3334, located at 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open to the public on all federal government working days from 8:30 a.m. to 4:30 p.m.; generally, it is open Monday through Friday, excluding holidays. The telephone number for the Reading Room is (202) 566–1744. The Air and Radiation Docket and Information Center’s Web site is http://www.epa.gov/oar/docket.html. The electronic mail (email) address for the Air and Radiation Docket is: a-and-r-Docket@epa.gov, the telephone number is (202) 566–1742, and the fax number is (202) 566–9744. An electronic version of the public docket is available through the federal government’s electronic public docket and comment system. You may access EPA dockets at http://www.regulations.gov. After opening the EPA–HQ–OAR–2014–0534 in the “Enter Keyword or ID” fill-in box to view documents in the record. Although a part of the official docket, the public docket does not include Confidential Business Information (“CBI”) or other information whose disclosure is restricted by statute.

EPA’s Office of Transportation and Air Quality (“OTAQ”) maintains a Web page that contains general information on its review of California waiver requests. Included on that page are links to prior waiver Federal Register notices, some of which are cited in today’s notice. The page can be accessed at http://www.epa.gov/otaq/carf.htm.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

I. Background

EPA granted an authorization for California’s initial set of CHC regulations on December 5, 2011. California’s initial CHC regulations