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**From:** Bloomberg BNA  
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**Subject:** July 14 -- EHS Federal Regulatory Alert



## **EHS Federal Regulatory Alert**

July 14, 2017 - Number 134

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### Summaries

*AIR*

#### Maine SIP/Gasoline Dispensing Facilities

*AIR*

Final rule of the EPA approves revisions to the Maine SIP regarding vapor control requirements for gasoline dispensing facilities (GDFs). The revisions require GDFs to decommission their Stage II vapor recovery systems by Jan. 1, 2013. The revisions also require GDFs whose monthly throughput exceeds a threshold of 100,000 gallons per calendar month to comply with requirements of the NESHAP for GDFs (40 CFR 63, Subpart CCCCCC). In addition, the revisions include updated procedures for testing Stage I vapor recovery systems and for ensuring that hoses in the Stage I vapor balance system are properly connected. The rule is effective Aug. 14, 2017. Contact: Eric Rackauskas; EPA Region 1, Air Quality Planning Unit; 617-918-1628; rackauskas.eric@epa.gov. Citations: 40 CFR 52.1020

82 FR 32480 (07/14/2017)

#### Regulatory Update

*AIR*

#### Puerto Rico SIP/Arecibo Area 2008 Lead NAAQS

*AIR*

Final rule of the EPA approves a revision to the Puerto Rico SIP concerning attainment of the 2008 lead NAAQS for the Arecibo nonattainment area. The revision includes a base year emissions inventory, a modeling demonstration showing attainment of the lead NAAQS, and contingency measures. The revision also addresses reasonably available control measures/reasonably available control technology and the reasonable further progress plan. The rule is effective Aug. 14, 2017. Contact: Mazeeda Khan; EPA Region 2, Air Programs Branch; 212-637-3715; khan.mazeeda@epa.gov. Citations: 40 CFR 52.2720, 52.2727

82 FR 32474 (07/14/2017)

Regulatory Update

**AIR**

Utah SIP/Davis and Salt Lake Counties Major Source Ozone Offset Requirements

**AIR**

Proposed rule of EPA would approve revisions to the Utah SIP concerning ozone offset requirements for major sources in Davis and Salt Lake counties. The revisions update definitions and applicability and address offset provisions of the nonattainment area new source review permitting program after the area is redesignated to attainment for ozone and offset requirements for nitrogen oxides that may be triggered as a contingency measure under the ozone maintenance plan. Comments are due Aug. 14, 2017. Contact: Kevin Leone; EPA Region 8, Air Program; 303-312-6227; leone.kevin@epa.gov. Citations: 40 CFR 52

82 FR 32517 (07/14/2017)

Regulatory Update

**AIR**

Wisconsin/Clean Air Act Operating Permit Petition

**AIR**

Notice of the EPA announces a final order denying a petition objecting to a Clean Air Act Title V operating permit issued by the Wisconsin Department of Natural Resources (WDNR) to Waupaca Foundry Plants 2/3. The petitioner asserted that the permit does not comply with CAA Section 112 and the NESHAP for the iron and steel foundry industry and the definition of benzene, that actual emissions from the facility have created and sustained lethal hazardous air pollutant concentrations in Waupaca County, that the WDNR mistakenly applied the state's hazardous air pollutant program requirements, and that the modeling procedures were incorrect. Petitions for review are due Sept. 12, 2017. The order is dated June 7, 2017. Contact: Genevieve Damico; EPA Region 5, Air and Radiation Division; 312-353-4761

82 FR 32542 (07/14/2017)

Regulatory Update

**ENDANGERED SPECIES**

Aleutian Shield Fern/Five-Year Status Review

**ENDANGERED SPECIES**

Notice of the U.S. Fish and Wildlife Service announces a five-year status review of the endangered Aleutian shield fern to determine if the current listing classification is still accurate. The agency requests scientific and commercial information since the last status review in 2005, including information on the biology of the species, habitat conditions, and conservation measures implemented. Comments are due Sept. 12, 2017. Contact: Leah Kenney; USFWS, Anchorage Fish and Wildlife Field Office; 907-271-2440; leah\_kenney@fws.gov. Citations: 50 CFR 17.12

82 FR 32573 (07/14/2017)

Regulatory Update

**FOOD SAFETY**

**Assessment of Ill Worker Policies Study**

**FOOD SAFETY**

Notice announces the intention of the National Center for Environmental Health to seek OMB approval for a new information collection for assessment of ill worker policies. The collection consists of a study by the Environmental Health Specialists Network program for identification and understanding of environmental factors associated with foodborne illness outbreaks and other food safety issues. The study will address assessment of restaurant manager and worker knowledge, attitudes, and practices concerning working while ill, and whether an educational intervention would result in enhancement of ill worker management procedures. Comments are due Sept. 12, 2017. Contact: Leroy Richardson; CDC, Office of Scientific Integrity; 404-639-7570; omb@cdc.gov

82 FR 32551 (07/14/2017)

**Regulatory Update**

**GENERAL ENVIRONMENT AND SAFETY**

**Abbreviated New Drug Applications/Product-Specific Guidances**

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the FDA announces the availability of additional draft and revised guidances for industry providing product-specific recommendations, including bioequivalence design to support abbreviated new drug applications. The notice lists new draft product-specific guidances for 20 drug products and revised draft product-specific guidances for 12 drug products. Comments are due Sept. 12, 2017. Contact: Xiaoqiu Tang; FDA, Center for Drug Evaluation and Research; 301-796-5850

82 FR 32556 (07/14/2017)

**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 July 3-7, 2017. Contact: Dawn Roberts; EPA, Office of Federal Activities; 202-564-7146. Citations: 40 CFR 1506.9

82 FR 32541 (07/14/2017)

**Regulatory Update**

**GENERAL ENVIRONMENT AND SAFETY**

**Florida/Martin County Hurricane and Storm Damage Reduction Project**

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Bureau of Ocean Energy Management announces the availability of the record of the decision authorizing the use of Outer Continental Shelf (OCS) sand resources by the U.S. Army Corps of Engineers for the Martin County Hurricane and Storm Damage Reduction Project on Hutchinson Island, Fla. BOEM will enter into a negotiated agreement with the USACE and the Martin County Board of Commissioners to make up to 1 million cubic yards of OCS sand from the C1-B borrow area available for nourishment of a four-mile stretch of beach. Contact: Jill Lewandowski; BOEM, Office of Environmental Programs; 703-787-1703; [jill.lewandowski@boem.gov](mailto:jill.lewandowski@boem.gov)

82 FR 32576 (07/14/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Gulf of Mexico OCS Lease Sale 249

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the Bureau of Ocean Energy Management announces the record of decision for the Outer Continental Shelf (OCS) Gulf of Mexico regionwide oil and gas Lease Sale 249. The agency selected the preferred alternative to provide for lease of all available unleased blocks within the Western, Central and Eastern planning areas in the Gulf of Mexico with specified exceptions. A concurrent notice provides final sale information, including primary lease terms, minimum bonus bid amounts per acre, annual rental rates, and royalty rates. Contact: Greg Kozlowski; BOEM, Office of Environment; 504-736-2512; [greg.kozlowski@boem.gov](mailto:greg.kozlowski@boem.gov)

82 FR 32583 (07/14/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Michigan/Ludington Pumped Storage Project

**GENERAL ENVIRONMENT AND SAFETY**

Notice of FERC announces the filing of a hydroelectric application by the Consumers Energy Co., of Cadillac, Mich., and DTE Electric Co., of Detroit, for a new major license for the Ludington Pumped Storage Project on the east shore of Lake Michigan in Mason County, Mich., and a satellite site in Ottawa County. The existing project consists of an upper reservoir, concrete intake structure, six penstocks, a powerhouse with six pump-turbine/motor-generator units, two jetties and a breakwater, and appurtenant facilities. The project also includes the satellite Pigeon Lake North Pier recreation site 70 miles south of the main facility. The notice specifies that the applicant operates the project in peaking mode with an annual average generation of approximately 2.6 million megawatt-hours. The notice includes a preliminary licensing procedural schedule. Final amendments are due 30 days from the notice of ready for environmental analysis, for which the target date is September 2017. Contact: Shana Wiseman; FERC; 312-596-4468; [shana.wiseman@ferc.gov](mailto:shana.wiseman@ferc.gov)

82 FR 32539 (07/14/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

OCS Air Permits

**GENERAL ENVIRONMENT AND SAFETY**

Notice of the EPA announces the issuance of a final Outer Continental Shelf (OCS) air permit to Anadarko Petroleum Corp. for the Anadarko Bob Douglas project in the eastern Gulf of Mexico (permit number OCS-EPA-R4021). The notice also announces the rescission of Statoil Gulf Services LLC's OCS permit (OCS-EPA-4012) for operations in the Gulf of Mexico. Statoil is no longer conducting exploratory drilling operations and requested their permit be rescinded. Contact: Kelly Fortin; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9117; fortin.kelly@epa.gov. Citations: 40 CFR 55 and 71

82 FR 32547 (07/14/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Ohio/Cincinnati CDC-NIOSH Consolidated Campus

**GENERAL ENVIRONMENT AND SAFETY**

Notice announces the intention of the CDC to prepare an environmental impact statement for the proposed site acquisition and development of a new National Institute for Occupational Safety and Health consolidated campus in Cincinnati. The new campus would consolidate the existing Robert A. Taft, Taft North, and Alice Hamilton Laboratory campuses in Cincinnati. A meeting is scheduled for Aug. 1, 2017, in Cincinnati. Comments are due Aug. 14, 2017. Contact: Harry Marsh; CDC, Office of Safety, Security, and Asset Management; 770-488-8170; cdc-cincinnati-eis@cdc.gov

82 FR 32553 (07/14/2017)

Regulatory Update

**GENERAL ENVIRONMENT AND SAFETY**

Ohio/Wellington Storage Field

**GENERAL ENVIRONMENT AND SAFETY**

Notice of FERC announces the filing of a prior notice request by Columbia Gas Transmission LLC, of Houston, to construct and operate two new storage wells at the Wellington Storage Field in Lorain and Medina counties in Ohio. The proposed wells will provide a combined total of 10 million cubic feet per day of restored deliverability to the Columbia system. The agency plans to complete an environmental assessment or issue a notice of schedule of environmental review by Oct. 10, 2017. Protests and motions to intervene are due Sept. 8, 2017. Contact: FERC; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 32540 (07/14/2017)

Regulatory Update

**HAZARDOUS MATERIALS TRANSPORTATION**

Chemical Transportation Advisory Committee Meeting/Regulatory Reform

**HAZARDOUS MATERIALS TRANSPORTATION**

Notice of the U.S. Coast Guard announces a meeting of the Chemical Transportation Advisory Committee to discuss issues related to identifying existing regulations, guidance, and information collections within the committee's scope for possible repeal, replacement, and modification. The Coast Guard is assigning the committee this task in response to executive orders 13771, 13777, and 13783 regarding regulatory reform. The Coast Guard will consider committee recommendations as part of the process discussed in the three executive orders. The meeting is scheduled for Aug. 2, 2017, via teleconference. Contact: Jake Lobb; USCG; 202-372-1428; jake.r.lobb@uscg.mil. Citations: 33 CFR 1 through 199, 46 CFR 1 through 499 (nonconsecutive), 49 CFR 400 through 499

82 FR 32515 (07/14/2017)

Regulatory Update

**HAZARDOUS WASTE MANAGEMENT**  
Hazardous Waste Electronic Manifest System Advisory Board Meeting  
**HAZARDOUS WASTE MANAGEMENT**

Notice of the EPA announces a meeting of the Hazardous Waste Electronic Manifest System Advisory Board. The agenda includes presentations and discussions concerning user registration and account activation issues that require resolution prior to the June 2018 launch of the manifest. The meeting is scheduled for Sept. 26-28, 2016, in Arlington, Va., and via webcast. Comments are due Sept. 26, 2017. Contact: Fred Jenkins; EPA, Office of Resource Conservation and Recovery; 703-308-7049; jenkins.fred@epa.gov

82 FR 32546 (07/14/2017)

Regulatory Update

**HAZARDOUS WASTE MANAGEMENT**  
Texas/Samsung Austin Semiconductor Hazardous Waste Delisting Petition  
**HAZARDOUS WASTE MANAGEMENT**

Proposed rule of the EPA would conditionally exclude the wastewater treatment sludge, copper filter cake (F006), generated by Samsung Austin Semiconductor, of Austin, Texas, from the lists of hazardous waste under RCRA. Samsung would be permitted to generate the sludge, which is produced during the electroplating process, at a maximum rate of 750 cubic yards annually. The delisting would be effective only in states subject to the federal RCRA delisting program. The rule also would require Samsung to perform specified analytical testing, to submit testing data, and to provide notification to the relevant state regulatory agency before transporting the delisted waste. Hearing requests are due July 31, 2017. Comments are due Aug. 14, 2017. Contact: Michelle Peace; EPA Region 6; 214-665-7430; peace.michelle@epa.gov. Citations: 40 CFR 261.31, 261.32, Appendix IX

82 FR 32519 (07/14/2017)

Regulatory Update

**OIL AND GAS INDUSTRY**  
Outer Continental Shelf Oil and Gas Lease Sale 249  
**OIL AND GAS INDUSTRY**

Notice of the Bureau of Ocean Energy Management provides final sale information for the Gulf of Mexico Outer Continental Shelf Regionwide Oil and Gas Lease Sale 249. All available unleased acreage in the Gulf of Mexico will be offered for bid, except for certain blocks specified in the notice. The notice specifies primary lease terms, minimum bonus bid amounts per acre, annual rental rates, and royalty rates. Lease stipulations regarding topographic features and live bottom will apply to all lease sales, in accordance with the final programmatic environmental impact statement for the 2017-2022 Five-Year OCS Oil and Gas Leasing Program record of decision (81 FR 83870; 11/22/2016). Additional stipulations are specified by lease block. The notice also includes bidding instructions, rules, and restrictions. A concurrent notice announces the agency's record of decision for the lease sale. Public bid reading is scheduled for Aug. 16, 2017, via webcast. Sealed bids are due Aug. 15, 2017, and bonus bid deposits are due Aug. 17, 2017. Contact: David Diamond; BOEM, Leasing Division; 703-787-1776; david.diamond@boem.gov

82 FR 32577 (07/14/2017)

Regulatory Update

**PESTICIDES**

Pesticide Tolerances/Difenoconazole

**PESTICIDES**

Final rule of the EPA establishes tolerances for residues of the fungicide difenoconazole in or on cottonseed subgroup 20C at .40 parts per million (ppm); rice, grain at 7.0 ppm; and rice, wild, grain at 7.0 ppm. The rule also increases the tolerance for cotton gin byproducts to 15 ppm. The tolerance in/on cotton undelinted seed at .05 ppm is removed because residues on cotton, undelinted seed are covered by the new tolerance for cottonseed subgroup 20C. The tolerances are finalized as petitioned by Syngenta Crop Protection LLC, of Greensboro, N.C. The rule is effective Sept. 12, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDRFRNotices@epa.gov. Citations: 40 CFR 180.475

82 FR 32482 (07/14/2017)

Regulatory Update

**RADIATION**

Generic Aging Lessons, Standard Review Plans for Nuclear Power Plants

**RADIATION**

Notice of the NRC announces two final guidance documents, NUREG-2191, Generic Aging Lessons Learned for Subsequent License Renewal Vol. 1 and 2 and NUREG-2192, Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants (SRP-SLR). The guidance documents address the techniques used for evaluation of applications for subsequent license renewal and the acceptable methods for commission staff for granting subsequent license renewal. The guidance documents also reflect increased operating time from 60 to 80 years and provide information identified as missing since the release of the Generic Aging Lessons Learned Report, Revision 2. Contact: Bennett Brady; NRC, Office of Nuclear Reactor Regulation; 301-415-2981; Bennett.Brady@nrc.gov

82 FR 32588 (07/14/2017)

Regulatory Update

## **RADIATION**

### **Transuranic Waste Characterization Program/Los Alamos National Laboratory**

## **RADIATION**

Notice of the EPA announces the proposed approval of the contact-handled transuranic (TRU) waste characterization program implemented by the Energy Department's Central Characterization Project at Los Alamos National Laboratory for waste intended for disposal at the Waste Isolation Pilot Plant (WIPP) in southeastern New Mexico. The waste characterization program includes changes to address deficiencies identified by the DOE following a February 2014 radiation release at the WIPP. The EPA also announces the availability of a draft baseline inspection report concluding that the program continues to meet compliance criteria. In addition, the agency proposes to eliminate the distinction between retrievably stored and newly generated TRU waste characterized to meet the requirements for disposal at the WIPP. Comments are due Aug. 28, 2017. Contact: Rajani Joglekar; EPA, Center for Waste Management and Regulations; 202-343-9462; joglekar.rajani@epa.gov. Citations: 40 CFR 191 and 194

82 FR 32542 (07/14/2017)

### **Regulatory Update**

## **TOXIC SUBSTANCES**

### **List I Chemicals/Alpha-Phenylacetonitrile**

## **TOXIC SUBSTANCES**

Final rule of the Drug Enforcement Administration designates the chemical alpha-phenylacetonitrile (APAAN) and its salts, optical isomers, and salts of optical isomers, as a list I chemical under the Controlled Substances Act. All transactions involving any amount of APAAN are subject to the recordkeeping, reporting, import and export control, and other chemical standards of the act. Applications for registration or exemption for persons seeking to engage in activities with APAAN are due Aug. 14, 2017. The rule is effective Aug. 14, 2017. Contact: Michael Lewis; DEA, Office of Diversion Control; 202-598-6812. Citations: 21 CFR 1310.02, 1310.04, 1310.09, 1310.12

82 FR 32457 (07/14/2017)

### **Regulatory Update**

## **TOXIC SUBSTANCES**

### **Schedule I Controlled Substances/Acryl Fentanyl**

## **TOXIC SUBSTANCES**

Notice of the Drug Enforcement Administration announces the issuance of a temporary scheduling order to place the synthetic opioid acryl fentanyl into schedule I under the Controlled Substances Act. The notice, which follows a June 2, 2017, notice of intent to issue a temporary scheduling order (82 FR 25564), provides requirements for persons who handle the substance. The notice also specifies that the order is effective for two years, unless it is extended for an additional year or a permanent scheduling proceeding is completed. The order is effective July 14, 2017, and expires July 15, 2019. Contact: Michael Lewis; DEA, Diversion Control; 202-598-6812

82 FR 32453 (07/14/2017)

Regulatory Update

**WATER**

Marine Safety Manual/Marine Industry Personnel

**WATER**

Notice of the U.S. Coast Guard announces an update to the Marine Safety Manual, Volume III, relating to marine industry personnel and the corresponding Commandant Change Notice that highlights changes made to the manual. The update includes revised guidance to align with the Howard Coble Coast Guard and Maritime Transportation Act, manning scales for towing vessels certified under the recent inspection of towing vessels rule (81 FR 40003; 06/20/2016), and various policy updates concerning vessel manning. In addition, the annex now includes a suggested safe manning proposal template, a Coast Guard work instruction, a master's field guide, and a verification check-sheet. The update is effective July 14, 2017. Contact: Corydon Heard; USCG; 409-978-2704; Corydon.F.Heard@uscg.mil. Citations: 46 CFR Chapter I, Subchapter M

82 FR 32488 (07/14/2017)

Regulatory Update

**WATER**

National Offshore Advisory Committee Meeting/Regulatory Reform

**WATER**

Notice of the U.S. Coast Guard announces a meeting of the National Offshore Safety Advisory Committee to discuss issues related to identifying existing regulations, guidance, and information collections within the committee's scope for possible repeal, replacement, and modification. The Coast Guard is assigning the committee this task in response to executive orders 13771, 13777, and 13783 regarding regulatory reform. The Coast Guard will consider committee recommendations as part of the process discussed in the three executive orders. The meeting is scheduled for Aug. 3, 2017, via teleconference. Contact: Patrick Clark; USCG; 202-372-1358; patrick.w.clark@uscg.mil. Citations: 33 CFR 1 through 199, 46 CFR 1 through 499 (nonconsecutive), 49 CFR 400 through 499

82 FR 32514 (07/14/2017)

Regulatory Update

**WATER**

Towing Safety Advisory Committee Meeting/Regulatory Reform

**WATER**

Notice of the U.S. Coast Guard announces a meeting of the Towing Safety Advisory Committee to discuss issues related to identifying existing regulations, guidance, and information collections within the committee's scope for possible repeal, replacement, and modification. The Coast Guard is assigning the committee this task in response to executive orders 13771, 13777, and 13783 regarding regulatory reform. The Coast Guard will consider committee recommendations as part of the process discussed in the three executive orders. The meeting is scheduled for Aug.

2, 2017, via teleconference. Contact: William Nabach; USCG; 202-372-1386; william.a.nabach@uscg.mil. Citations: 33 CFR 1 through 199, 46 CFR 1 through 499 (nonconsecutive), 49 CFR 400 through 499

82 FR 32510 (07/14/2017)

Regulatory Update

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