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From: Bloomberg BNA
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EHS Federal Regulatory Alert

June 27, 2017 - Number 122

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Summaries

AIR

Consolidated Air Rule for the Synthetic Organic Chemical Manufacturing Industry **AIR**

Notice of the EPA announces the submission of a continuing information collection request to the OMB concerning the NSPS and NESHAP standards for synthetic organic chemical manufacturing facilities under the Consolidated Air Rule. The collection addresses requirements for facilities subject to NSPS requirements to notify the EPA of construction, modification, startups, shutdowns, dates and results of initial performance tests, and excess emissions and to submit semiannual reports. The collection also addresses requirements for facilities subject to NESHAP requirements to submit one-time reports of any physical or operational changes and the results of initial performance tests; maintain records of periods of startup, shutdown, malfunction, or when the monitoring system is inoperative; and submit periodic reports. Comments are due July 27, 2017. Contact: Patrick Yellin; EPA, Office of Compliance; 202-564-2970; yellin.patrick@epa.gov. Citation: 40 CFR 65

82 FR 29074 (06/27/2017)

Regulatory Update

AIR

NSPS for Petroleum Refinery VOCs **AIR**

Notice of the EPA announces the submission of a continuing information collection request to the OMB regarding the NSPS for equipment leaks of volatile organic compounds in petroleum refineries. The collection addresses requirements for refinery owners and operators to identify leaking equipment and document repair methods and dates of such repairs. The recordkeeping is periodic and depends on equipment type and leak history. Owners and operators must submit semiannual reports, which are used by the agency to determine compliance with NSPS. Comments are due July 27, 2017. Contact: Patrick Yellin; EPA, Office of Compliance; 202-564-2970; yellin.patrick@epa.gov. Citation: 40 CFR 60, Subparts GGG and GGGa

82 FR 29080 (06/27/2017)

Regulatory Update

AIR

VOC Emission Standards for Consumer Products

AIR

Notice of the EPA announces the submission of a continuing information collection request to the OMB regarding volatile organic compound emission standards for consumer products. The collection addresses initial reporting and periodic recordkeeping requirements for manufacturers, distributors, and importers of consumer projects. Comments are due July 27, 2017. Contact: Susan Fairchild; EPA, Office of Air Quality Planning and Standards; 919-541-5167; Fairchild.susan@epa.gov. Citation: 40 CFR 59, Subpart C

82 FR 29075 (06/27/2017)

Regulatory Update

AIR

Vermont SIP/Infrastructure Requirements

AIR

Final rule of the EPA approves portions of revisions to the Vermont SIP regarding infrastructure requirements for the 1997 fine particulate matter (PM-2.5), 1997 ozone, 2006 PM-2.5, 2008 lead, 2008 ozone, 2010 nitrogen dioxide and 2010 sulfur dioxide (SO₂) NAAQS. State demonstrations concerning the infrastructure requirements are approved and certain elements related to the prevention of significant deterioration requirements are conditionally approved. The rule also updates the classification for two air quality control regions for SO₂, which will grant the state an exemption from the infrastructure SIP contingency plan obligation for SO₂. The rule is effective July 27, 2017. Contact: Alison Simcox; EPA Region 1, Air Programs Branch; 617-918-1684; simcox.alison@epa.gov. Citation: 40 CFR 52.2370, 52.2371, 52.2373, 52.2374, 52.2376, 52.2382

82 FR 29005 (06/27/2017)

Regulatory Update

ENDANGERED SPECIES

California/Monterey Bay Marine Mammals Incidental Take

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces a correction to a June 15, 2017, final rule (82 FR 27434) to allow issuances of letters of authorization for the take of marine mammals incidental to commercial fireworks displays permitted by the Monterey Bay National Marine Sanctuary in California. The correction clarifies that the incidental take authorizations under a May 29, 2012, final rule (77 FR 31537) extend from June 29, 2017, through June 28, 2022. Contact: Laura McCue; NMFS, Office of Protected Resources; 301-427-8401. Citation: 50 CFR 217.11 through 217.18

82 FR 29010 (06/27/2017)

Regulatory Update

ENDANGERED SPECIES

Florida/Audubon's Crested Caracara

ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces an incidental take permit application and the availability of a proposed low-effect habitat conservation plan for the Audubon's crested caracara. Atlantic Coast Paladin Estates LLC and Micco Road Investments LLC, both of Hallandale, Fla., seek a 10-year incidental take permit for take of 100 acres of nesting and foraging habitat for the species incidental to the construction of the Lakes at St. Sebastian Preserve residential project in Brevard County, Fla. The applicants would mitigate for impacts by providing a \$10,000 management endowment and protecting 20 acres within the Allen Broussard Conservancy. USFS has made an initial determination that the proposed activity is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement. Comments are due July 27, 2017. Contact: Tera Baird; USFWS; 904-731-33196; Tera_Baird@fws.gov

82 FR 29092 (06/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Clean Air Scientific Advisory Committee, SAB Committee Nominations

GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA seeks nominations of scientific experts to serve on the Clean Air Scientific Advisory Committee, the EPA Science Advisory Board (SAB), and six SAB committees. The committees cover chemical assessments, drinking water, ecological processes, environmental economics, environmental engineering, and radiation. The nominations will be selected based on depth of scientific expertise and a balance of scientific perspectives. Absence of financial conflicts of interest and of an appearance of a loss of impartiality will also be considered. Nominations are due July 27, 2017. Contact: Aaron Yeow; EPA, Science Advisory Board Staff Office; 202-564-2050; yeow.aaron@epa.gov

82 FR 29077 (06/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Connecticut/Clean Water Act, Oil Pollution Act Joint Stipulation

GENERAL ENVIRONMENT AND SAFETY

Notice of the Justice Department announces a proposed stipulation, settlement agreement, order, and final judgment in Evergreen Power LLC and Asnat Realty LLC v. United States (Civil Action No. 3:14-cv-01537-WWE), lodged on June 19, 2017, in the U.S. District Court for the District of Connecticut. If approved, the stipulation would resolve claims against the U.S. and claims under the Clean Water Act and Oil Pollution Act against the counterclaim defendants regarding a 2014 response action at the English Station site in New Haven, Conn. The stipulation would require the counterclaim defendants to pay \$454,000 to reimburse the U.S.'s oil removal costs with interest

and \$246,000 in civil penalties. The stipulation also would require the U.S. and the counterclaim defendants to dismiss their claims and provide mutual releases of liability and would restrict the counterclaim defendants' right to sue or assert any claims against the U.S. in connection with the 2014 response action. Comments are due July 27, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 29097 (06/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Washington State/North Seattle Lateral Upgrade Project

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to prepare an environmental assessment for the North Seattle Lateral Upgrade Project, in Snohomish County, Wash. The project, proposed by Northwest Pipeline LLC, of Salt Lake City, involves the removal of existing pipeline on Northwest's North Seattle Delivery Lateral line, installation of new pipeline, the rebuilding of the North Seattle/Everett meter station and installation of miscellaneous appurtenances to provide an incremental 196,311 dekatherms per day of firm capacity to serve Puget Sound Energy, of Bellevue, Wash. A meeting is scheduled for July 13, 2017, in Lynnwood, Wash. Comments are due July 21, 2017. Contact: Federal Energy Regulatory Commission, Office of External Affairs; 866-208-3676; FERConlinesupport@ferc.gov

82 FR 29068 (06/27/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Sleeper Berth Time Pilot Program

HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of the FMCSA to seek OMB approval for a new information collection request concerning a pilot program for temporary relief from sleeper berth requirements for licensed commercial drivers who regularly use a sleeper berth to accumulate their required hours of nonduty work status. The program would allow a limited number of commercial drivers to split the required 10 hours of nonduty work status. The agency is seeking to compile driver metrics and to assess safety performance and fatigue levels. The collection would include applications, questionnaires, daily field studies, weekly phone briefings, and use of instrumented vehicles concerning safety performance and fatigue levels. The agency also would compile electronic logging device data, onboard monitoring system data, roadside violation data, wrist actigraphy data, Psychomotor Vigilance Test data, subjective sleepiness ratings, and sleep logs data. Comments are due Aug. 28, 2017. Contact: Nicole Michel; Federal Motor Carrier Safety Administration, Research Division; 202-366-4354; Nicole.michel@dot.gov. Citation: 49 CFR 395.1

82 FR 29145 (06/27/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Occupational Exposure to Beryllium and Beryllium Compounds/Construction and Shipyards
OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of OSHA would revoke certain ancillary provisions for occupational exposure to beryllium and beryllium compounds for the construction and shipyard sectors adopted under a Jan. 9, 2017, final rule (82 FR 2470). Provisions concerning exposure monitoring, regulated areas, written exposure control plans, protective equipment and work clothing, hygiene areas and practices, housekeeping, medical surveillance, medical removal, and worker training would be removed. OSHA specifies that standards for ventilation and mechanical paint removers exist for the construction and shipyard sectors and that exposure to beryllium is limited to abrasive blasting in construction, abrasive blasting in shipyards, and welding in shipyards operations. General industry standards under the previous final rule would be maintained, as would the lower eight-hour, time-weighted average permissible exposure limit for beryllium of 0.2 micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$) and the 15-minute, short-term exposure limit of 2.0 $\mu\text{g}/\text{m}^3$. Comments are due Aug. 28, 2017. Contact: Frank Meilinger; OSHA; 202-693-1999; meilinger.francis2@dol.gov. Citation: 29 CFR 1915.1000; 29 CFR 1915.1024; 29 CFR 1926.1124; 29 CFR 1926.55

82 FR 29182 (06/27/2017)

Regulatory Update

RADIATION

ACRS Subcommittee on Northwest Medical Isotopes Meeting

RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Northwest Medical Isotopes to discuss the construction permit application preliminary safety analysis report and the draft NRC safety evaluation reports for a Mo99 radioisotope production facility. The meeting is scheduled for July 11, 2017, in Rockville, Md. Comments are due July 11, 2017. Contact: Kathy Weaver; NRC; 301-415-6236; Kathy.Weaver@nrc.gov

82 FR 29119 (06/27/2017)

Regulatory Update

RADIATION

Commercial-Grade Items for Nuclear Power Plants

RADIATION

Notice of the NRC announces the issuance of new regulatory guidance regarding dedication of commercial-grade items for use in nuclear power plants. The guidance specifies methods that agency staff considers acceptable for dedication of commercial-grade items used in nuclear power plants. The guidance recommends the use of the Electric Power Research Institute, 3002002982, Revision 1, to the plant engineering guideline for the acceptance of commercial-grade items in nuclear safety-related applications. Contact: Jonathan Ortega-Luciano; NRC, Office of New Reactors; 301-415-1159; Jonathan.Ortega-Luciano@nrc.gov. Citation: Regulatory Guide (RG) 1.164, Revision 0

82 FR 29120 (06/27/2017)

Regulatory Update

RADIATION

Operator Simulator Training Data

RADIATION

Notice announces the intention of the NRC to seek OMB approval for a new information collection request concerning use by nuclear power stations with an onsite reactor simulator of Scenario Authoring, Characterization, and Debriefing Application software for operator simulator training. Use of the software is voluntary and free software licenses, training, and technical support will be provided by the NRC. The collection addresses data to be collected from users approximately six times during their training cycle. Comments are due Aug. 28, 2017. Contact: David Cullison; NRC; Office of the Chief Information Officer; 301-415-2084; INFOCOLLECTS.Resource@NRC.GOV

82 FR 29119 (06/27/2017)

Regulatory Update

WATER

Hawaii/Drinking Water Program Electronic Reporting

WATER

Notice of the EPA announces the approval of Hawaii's request to revise its EPA-authorized national primary drinking water program to allow electronic reporting. Interested persons may request a public hearing on the approved change. The approval is effective July 27, 2017, if no hearing requests are received by that date. Contact: Karen Seeh; EPA, Office of Environmental Information; 202-566-1175; seeh.karen@epa.gov. Citation: 40 CFR 141, 142

82 FR 29075 (06/27/2017)

Regulatory Update

WATER

Nevada/Drinking Water Program Electronic Reporting

WATER

Notice of the EPA announces the approval of Nevada's request to revise its EPA-authorized national primary drinking water program to allow electronic reporting. Interested persons may request a public hearing on the approved change. The approval is effective July 27, 2017, if no hearing requests are received by that date. Contact: Karen Seeh; Environmental Protection Agency, Office of Environmental Information; 202-566-1175; seeh.karen@epa.gov. Citation: 40 CFR 142

82 FR 29079 (06/27/2017)

Regulatory Update

WATER

New Mexico/Drinking Water Program Electronic Reporting

WATER

Notice of the EPA announces the approval of New Mexico's request to revise its EPA-authorized national primary drinking water program to allow electronic reporting. Interested persons may request a public hearing on the approved change. The approval is effective July 27, 2017, if no hearing requests are received by that date. Contact: Karen Seeh; EPA, Office of Environmental Information; 202-566-1175; seeh.karen@epa.gov. Citation: 40 CFR 142

82 FR 29076 (06/27/2017)

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WATER

[Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses](#)

WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water during the period May 1-31, 2017. The notice addresses projects approved for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net. Citation: 18 CFR 806.22

82 FR 29141 (06/27/2017)

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WATER

[U.S. Virgin Islands/NPDES Program Electronic Reporting](#)

WATER

Notice of the EPA announces the approval of the U.S. Virgin Islands' request to revise its EPA-authorized National Pollutant Discharge Elimination System (NPDES) program to allow to allow electronic reporting. The approval is effective June 27, 2017. Contact: Karen Seeh; EPA, Office of Environmental Information; 202-566-1175; seeh.karen@epa.gov. Citation: 40 CFR 122, 123

82 FR 29081 (06/27/2017)

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