

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

June 28, 2017 - Number 123

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Summaries

AIR

Designations for the 2015 Ozone National Ambient Air Quality Standards

AIR

Notice of the EPA extends until Oct. 1, 2018, the deadline for the agency to issue initial area designations for the 2015 ozone NAAQS, which were established in an Oct. 26, 2015, final rule (80 FR 65292). The EPA needs the additional time to evaluate numerous issues related to the 2015 NAAQS, including the role of background ozone levels and options for accounting for international transport. The EPA explains that the designations process also could be impacted by the Ozone Cooperative Compliance Task Force, which the agency is establishing to develop additional options for states to comply with the ozone standard. Contact: Denise Scott; EPA, Office of Air Quality Planning and Standards; 919-541-4208; scott.denise@epa.gov. Citations: 40 CFR 81

82 FR 29246 (06/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Alaska/Chuitna Coal Mine Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Army Corps of Engineers announces the withdrawal of a Jan. 4, 2011, notice of intent (76 FR 336) to prepare a draft supplemental environmental impact statement for the proposed Chuitna Coal Mine Project in the Beluga Coal Field, 45 miles west of Anchorage, Alaska. The EIS would have addressed an application by PacRim Coal LP, of Anchorage, for permits to mine a 5,050-acre lease tract that would have discharged dredged and/or fill material into approximately 2,550 acres of U.S. waters, including wetlands. The applicant is no longer pursuing permits for the project. Contact: Jason Berkner; USACE, Regulatory Division; 907-753-5778; Jason.R.Berkner@usace.army.mil

82 FR 29285 (06/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

California/Marine Corps Air Ground Combat Center

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Aviation Administration announces the agency's decision to adopt the Department of the Navy's environmental impact statement and supplemental EIS (82 FR 11564; 02/24/2017) for land acquisition and airspace establishment to support large-scale Marine Air Ground Task Force live-fire and maneuver training at the Marine Corps Air Ground Combat Center in Twentynine Palms, Calif. The agency has determined that the EIS and SEIS adequately assess and disclose the environmental impacts of the temporary special use air space and testing of advanced weapons systems. Contact: Paul Miller; FAA, Office of Airspace Services; 202-267-7378. Citations: 40 CFR 1506.3; 40 CFR 1508.5

82 FR 29361 (06/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Justice Department Task Force on Regulatory Reform

GENERAL ENVIRONMENT AND SAFETY

Notice of the Justice Department requests comments regarding subjects that may be appropriate for review by the department's task force on regulatory reform. The task force was established under Executive Order 13777 (82 FR 12285; 03/01/2017), which required agencies to establish regulatory reform task forces 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. The department seeks comments on specific regulatory actions that should be repealed, replaced, or modified, as well as various kinds of actions taken by the department that the public perceives to be regulatory in nature even if they did not result from formal rulemakings. Comments are due Aug. 14, 2017. Contact: Robert Hinchman; DOJ, Office of Legal Policy; 202-514-8059

82 FR 29248 (06/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Pennsylvania/Oakford Storage Complex

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Dominion Energy Transmission Inc., of Richmond, Va., concerning the Oakford Storage Complex in Westmoreland County, Pa. The project includes a proposal to plug and abandon specified "future storage" wells, associated pipelines, and a meter. The certificated physical parameters and capacity will remain unchanged. The agency intends to complete an environmental assessment or issue a notice of schedule of environmental review by Sept. 26, 2017. Protests and motions to intervene are due Aug. 28, 2017. Contact: Nathaniel Davis; Federal Energy Regulatory Commission; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 29293 (06/28/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

Ohio/Lammers Barrel Superfund Site

HAZARDOUS WASTE CLEANUP

Notice of the EPA announces a proposed de minimis administrative agreement under CERCLA Section 122(g) with Sunoco (R&M) LLC, of Philadelphia, regarding the Lammers Barrel Superfund Site in Beavercreek, Ohio. The proposed settlement would require Sunoco to pay an additional \$85,254 to the Superfund special account for the site for remedial design and remedial action work at Operable Unit 2. The settlement also would include a covenant from the EPA not to sue, subject to limited reservations, and would provide Sunoco with contribution protection. Comments are due July 28, 2017. Contact: Maria Gonzalez; EPA Region 5, Office of Regional Counsel; 312-886-6630; gonzalez.maria@epa.gov

82 FR 29293 (06/28/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Tracking of Workplace Injuries and Illnesses

OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of OSHA would delay until Dec. 1, 2017, the compliance date for the electronic reporting requirements in a May 12, 2016, final rule (81 FR 29624) regarding the tracking and reporting of workplace injuries and illnesses. The 2016 rule requires employers with 250 or more employees and employers in specified industries with 20 to 249 employees to electronically submit occupational injury and illness records on an annual basis for reporting on the agency's website. The current rule would delay the electronic submission deadline for 2016 Form 300A to allow the agency additional time to review the requirements prior to implementation and to allow affected entities to familiarize themselves with the electronic reporting system, which will be available Aug. 1, 2017. OSHA intends to issue a separate proposed rule to reconsider, revise, or remove other provisions of the 2016 final rule. Comments are due July 13, 2017. Contact: Miriam Schoenbaum; OSHA, Office of Statistical Analysis; 202-693-1841; schoenbaum.miriam@dol.gov. Citations: 29 CFR 1902.7 through 1904.41 (nonconsecutive); 29 CFR 1904, Subpart E, Appendix A

82 FR 29261 (06/28/2017)

Regulatory Update

RADIATION

List of Approved Spent Fuel Storage Casks

RADIATION

Direct final rule of the Nuclear Regulatory Commission revises the Holtec International HI-STORM Flood/Wind Multipurpose Canister (MPC) Storage System design listing in the list of approved spent fuel storage casks. The rule revises the list of authorized contents to permit burnup credit for fuel types in the MPC-37. The rule is effective Sept. 11, 2017, unless adverse comments are

received by July 28, 2017. Contact: Vanessa Cox; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-8342; Vanessa.Cox@nrc.gov. Citations: 10 CFR 72.214

82 FR 29225 (06/28/2017)

Regulatory Update

RADIATION

List of Approved Spent Fuel Storage Casks

RADIATION

Proposed rule of the Nuclear Regulatory Commission revises the Holtec International HI-STORM Flood/Wind Multipurpose Canister (MPC) Storage System design listing in the list of approved spent fuel storage casks. The rule revises the list of authorized contents to permit burnup credit for fuel types in the MPC-37. A concurrent direct final rule adopts the change, effective Sept. 11, 2017. Comments are due July 28, 2017. Contact: Vanessa Cox; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-8342; Vanessa.Cox@nrc.gov. Citations: 10 CFR 72.214

82 FR 29249 (06/28/2017)

Regulatory Update

TOXIC SUBSTANCES

Dispensing Records of Individual Practitioners

TOXIC SUBSTANCES

Notice announces the intention of the Drug Enforcement Agency to seek OMB approval for a continuing information collection request regarding recordkeeping and associated requirements for individual practitioners registered with the DEA. The collection addresses the biennial inventory and maintenance of records for each narcotic and non-narcotic controlled substance manufactured, received, sold, delivered, or disposed of by registrants. Registrants are responsible for keeping such records for at least two years for inspection and copying by authorized U.S. officers or employees. Comments are due Aug. 28, 2017. Contact: Michael Lewis; DEA, Diversion Control Division; 202-598-6812

82 FR 29330 (06/28/2017)

Regulatory Update

WATER

Credit Assistance for Water Infrastructure Projects/Fees

WATER

Final rule of the EPA establishes fees for credit assistance for projects expected to proceed to closing under the Water Infrastructure Finance and Innovation Act program. The application fee for projects serving small communities of under 25,000 people is \$25,000, and a credit processing fee will be applied at the time of project closing. For all other projects applications, the fee is \$100,000. An annual servicing fee dependent on costs of servicing the credit instrument will be charged during repayment of the loan, and an extraordinary expenses fee will be charged for borrowers who experience technical, financial, or legal issues that require the agency to incur expenses beyond standard monitoring. The rule is effective June 28, 2017. Contact: Jordan

Dorfman; EPA, Office of Wastewater Management; 202-564-0614; dorfman.jordan@epa.gov.
Citations: 40 CFR 35.10080

82 FR 29242 (06/28/2017)

Regulatory Update

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