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EHS Federal Regulatory Alert

July 10, 2017 - Number 130

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Summaries

AIR

Energy Conservation Standards/Walk-In Cooler and Walk-In Freezer Refrigeration Systems **AIR**

Final rule of the Energy Department, Office of Energy Efficiency and Renewable Energy, establishes energy conservation standards for certain refrigeration systems used in walk-in cooler and walk-in freezer refrigeration systems. The rule establishes standards for medium temperature, indoor and outdoor dedicated condensing systems manufactured on or after June 5, 2017. The rule also establishes standards for low-temperature, indoor and outdoor dedicated condensing systems and low- and medium-temperature unit coolers manufactured on or after July 10, 2020. The rule is effective Sept. 8, 2017. Contact: Ashley Armstrong; DOE, Office of Energy Efficiency and Renewable Energy; 202-586-6590; walkin_coolers_and_walk-in_freezers@ee.doe.gov. Citations: 10 CFR 431.306

82 FR 31808 (07/10/2017)

Regulatory Update

AIR

Indiana SIP/Muncie Area 2008 Lead Standards **AIR**

Notice of the EPA announces the withdrawal of a May 30, 2017, direct final rule (82 FR 24553) that would have approved revisions to the Indiana SIP and the redesignation of the Muncie nonattainment area in Delaware County to attainment for the 2008 lead NAAQS. The revisions address the plan for maintaining the 2008 lead NAAQS through 2030 and the 2013 attainment year emissions inventory for the area. The withdrawal is in response to receipt of an adverse comment, and the agency will instead proceed with a final rule based on the related proposed rule (82 FR 24635; 05/30/2017). The withdrawal is effective July 10, 2017. Contact: Anthony Maietta; EPA Region 5, Air Programs Branch; 312-353-8777; maietta.anthony@epa.gov. Citations: 40 CFR 52.770, 52.797, 81.315

82 FR 31722 (07/10/2017)

Regulatory Update

AIR

Kentucky SIP/Louisville Metro Air Pollution Control District

AIR

Proposed rule of the EPA would approve revisions to the Kentucky SIP concerning the Louisville Metro Air Pollution Control District's air quality regulations. The revisions add acronyms and abbreviations for consistency with EPA definitions, update open records procedures to reflect current technology options for delivering submissions, and update public hearing procedures to conform to the Strategic Toxic Air Reduction program. In addition, the revisions update restrictions on open burning and solvent cleaning and modify board member obligations and procedures for board hearings. Finally, the revisions modify the volatile organic compounds emissions reduction strategy and combine two performance standards for solvent metal cleaning equipment. Comments are due Aug. 9, 2017. Contact: Sean Lakeman; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9043; lakeman.sean@epa.gov. Citations: 40 CFR 52

82 FR 31736 (07/10/2017)

Regulatory Update

AIR

Minnesota SIP/Prevention of Significant Deterioration

AIR

Proposed rule of the EPA would approve revisions to the Minnesota SIP that incorporate by reference federal prevention of significant deterioration requirements. The approval will not apply to sources located within Indian country. Comments are due Aug. 9, 2017. Contact: Rachel Rineheart; EPA Region 5, Air Programs Branch; 312-886-7017; rineheart.rachel@epa.gov. Citations: 40 CFR 52

82 FR 31741 (07/10/2017)

Regulatory Update

AIR

North Carolina/Concrete Batch Plant and Portable Crusher Permit Exemptions

AIR

Proposed rule of the EPA would approve revisions to the North Carolina SIP concerning exclusionary rules and permit exemptions. The revisions add exclusionary provisions for concrete batch plants to exclude from Title V permitting requirements facilities that operate below a certain annual production rate. The revisions also add permit exemptions for portable crushers under certain operating criteria and for certain non-Title V construction sources. Comments are due Aug. 9, 2017. Contact: Sean Lakeman; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9043; lakeman.sean@epa.gov. Citations: 40 CFR 52

82 FR 31739 (07/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Alabama/Demopolis Lock and Dam Hydroelectric Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of a draft environmental assessment for the Demopolis Lock and Dam Hydroelectric Project at the U.S. Army Corps of Engineers' Demopolis Lock and Dam on the Tombigbee River in Marengo and Sumter counties in Alabama. The project, proposed by Birch Power Co., of Idaho Falls, Idaho, includes construction and operation of an excavated intake channel, two trash racks, a powerhouse containing two 24-megawatt (MW) turbines with a total installed capacity of 48 MW, a substation, a forebay oxygen diffuser line system, an excavated tailrace channel, a retaining wall, a transmission line, and appurtenant facilities. The project has an estimated annual generation of 213,000 MW-hours. The draft EA concludes that constructing and operating the project, with appropriate environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment. Comments are due July 31, 2017. Contact: Adam Peer; FERC; 202-502-8449; adam.peer@ferc.gov

82 FR 31768 (07/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Arthritis Advisory Committee Meeting

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a meeting of the Arthritis Advisory Committee to address supplemental new drug application 203214 supplement 17 for Xeljanz (tofacitinib) tablets and 208246 supplement 3 for Xeljanz XR (tofacitinib) extended release tablets submitted by Pfizer Inc., of New York, for treatment of adult patients with active psoriatic arthritis. The meeting will include discussion of the efficacy and safety data and benefit-risk considerations. The meeting is scheduled for Aug. 3, 2017 in Silver Spring, Md. Comments are due Aug. 2, 2017. Contact: Philip Bautista; Center for Drug Evaluation and Research; 301-796-9001; AAC@fda.hhs.gov

82 FR 31781 (07/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Emergency Use Authorization/In Vitro Diagnostics for Detection of Zika Virus

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a correction to a June 30, 2017, notice (82 FR 29886) regarding the issuance of emergency use authorizations for two in vitro diagnostic devices for detection of the Zika virus. The authorizations provide conditions for emergency use of the Gene-RADAR® Zika Virus Test, requested by Nanobiosym Diagnostics Inc., of Cambridge, Mass., and for the LIAISON® XL Zika Capture IgM Assay, requested by DiaSorin Inc., of Stillwater, Minn. The secretary of Health and Human Services previously declared that circumstances exist justifying the authorization of emergency use of in vitro diagnostic devices for detection of the Zika virus

(81 FR 10878; 03/02/2016). The authorization for Gene-RADAR® is effective March 20, 2017, and the authorization for LIAISON® XL is effective April 5, 2017. The correction revises the docket number. Contact: Lisa Granger; FDA, Office of Policy and Planning; 301-796-9115

82 FR 31783 (07/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Maine/Barker's Mill Hydroelectric Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application for a hydroelectric application from KEI Power Management LLC, of Lewiston, Maine, for a subsequent minor license for the Barker's Mill Hydroelectric Project located on the Little Androscoggin River in Auburn, Maine. The existing project consists of a dam, a reservoir, a 1.5 megawatt generating unit, and an underground power line generating an average of 5,087 megawatt-hours per year. Comments, protests, and motions to intervene are due Aug. 29, 2017. Contact: Karen Sughrue; FERC; 202-502-8556; karen.sughrue@ferc.gov

82 FR 31772 (07/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

South Carolina/Line A Abandonment Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of an environmental assessment for the Line A Abandonment Project proposed by Dominion Carolina Gas Transmission LLC, of Cayce, S.C. The project includes the abandonment of approximately 60 miles of natural gas pipeline in Chester, Kershaw, Lancaster, and York counties in South Carolina. The agency 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 July 31, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 31773 (07/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Texas/Bakersfield Compressor Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Northern Natural Gas Co., of Omaha, Neb., to install and operate certain natural gas facilities in Peco County, Texas. The project involves a new compressor station, 1.5 miles of 20-inch diameter pipeline, and an interconnect to the discharge side of the Bakersfield compressor station. The project is intended to facilitate transport of 200,000 dekatherms/day of incremental load. 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. 1, 2017. Contact: FERC; 866-208-

3676; FERCOOnlineSupport@ferc.gov

82 FR 31771 (07/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Texas/Border Crossing Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of an environmental assessment for the Border Crossing Project, proposed by Valley Crossing Pipeline LLC, of Houston. The project involves the siting, construction, and operation of 1,000 feet of natural gas pipeline that extends into the Gulf of Mexico in Texas state waters to the international boundary between the U.S. and Mexico. The project would connect the Valley Crossing System with the Mexican Marina Pipeline and facilitate the delivery of up to 2.6 billion cubic feet per day of natural gas to Mexico. The agency concluded 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 July 31, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 31774 (07/10/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Electronic Logging Device Exemption Request

HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration announces the receipt of an application from the Pipe Line Contractors Association for an exemption for pipeline contractor vehicle drivers. The applicant requests an exemption from the installation and driver use requirements for electronic logging devices designed to record driver hours-of-service. The requested exemption is for a period of five years. Comments are due Aug. 9, 2017. Contact: Tom Yager; FMCSA, Office of Carrier, Driver and Vehicle Safety Standards; 614-942-6477; MCPSD@dot.gov

82 FR 31796 (07/10/2017)

Regulatory Update

MINING

Pennsylvania Surface Mining Regulatory Program

MINING

Final rule of the Office of Surface Mining Reclamation and Enforcement approves revisions to the Pennsylvania surface coal mining regulatory program. The revisions provide a current list of alternate bonding system (ABS) legacy sites, a process for moving sites from the list of potential ABS legacy sites to the list of ABS legal sites, and mechanisms for adding sites to the list of ABS legacy sites if bond release was improperly granted. The revisions also establish criteria for mines to be removed from the ABS legacy site list and require the Pennsylvania Department of Environmental Protection to request concurrence from OSMRE when adding or removing sites

from the ABS lists. The rule is effective Aug. 9, 2017. Contact: Ben Owens; OSMRE, Pittsburgh Field Division; 412-937-2827; bowens@osmre.gov. Citations: 30 CFR 938.15

82 FR 31715 (07/10/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Advisory Board on Radiation and Worker Health Meeting

OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces a meeting of the Advisory Board on Radiation and Worker Health to provide program updates concerning NIOSH, Department of Labor, Energy Department, and SEC petitions. The meeting also will include site profile reviews for the Pantex Plant, the Pacific Proving Grounds, the Feed Materials Production Center, and the Nevada Test Site. The meeting is scheduled for Aug. 23-24, 2017, in Santa Fe, N.M., and via conference call. Comments are due Aug. 23, 2017. Contact: Theodore Katz; CDC, National Institute for Occupational Safety and Health; 513-533-6800; dcas@cdc.gov

82 FR 31780 (07/10/2017)

Regulatory Update

PESTICIDES

Pesticide Tolerance/Buprofezin

PESTICIDES

Final rule of the EPA establishes tolerances for residues of the insecticide buprofezin in or on rice grain at 1.5 parts per million. The rule is issued in response to a petition filed by Nichino America Inc., of Wilmington, Del., which proposed a tolerance level of 0.3 ppm. The rule is effective July 10, 2017. Objections and hearing requests are due Sept. 8, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.511

82 FR 31722 (07/10/2017)

Regulatory Update

PESTICIDES

Washington State/Lambda-Cyhalothrin Emergency Exemption

PESTICIDES

Notice of the EPA announces the receipt of a request from the Washington State Department of Agriculture for a specific emergency exemption to use the pesticide lambda-cyhalothrin (CAS No. 91465-08-6) on up to 7,000 acres of asparagus to control the European asparagus aphid between June 15 and Oct. 30, 2017. The use is supported by the Interregional Research Project Number 4 program and has been requested in five or more previous years. Comments are due July 25, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov

82 FR 31777 (07/10/2017)

Regulatory Update

RADIATION

Environmental Management Advisory Board/Northern New Mexico

RADIATION

Notice of the Department of Energy announces a meeting of the Environmental Management Site-Specific Advisory Board, Northern New Mexico. The tentative agenda includes an update from federal officers and the executive director, presentations from the New Mexico Environment Department, a presentation on radioactive waste units and measure, and updates from the Los Alamos Field Office. The meeting is scheduled for July 26, 2017, in Santa Fe, N.M. Comments are requested, but a due date is not specified. Contact: Menice Santistevan; DOE, Northern New Mexico Citizens' Advisory Board; 505-995-0393; Menice.Santistevan@em.doe.gov

82 FR 31766 (07/10/2017)

Regulatory Update

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