

From: POLITICO Pro Energy
To: megan_bloomgren@ios.doi.gov
Subject: Morning Energy: Zinke to get grilled over personnel moves — White House plans upcoming Energy Week — Groups huddle over what's next in Dakota Access case
Date: Wednesday, June 21, 2017 4:48:33 AM

By Anthony Adragna | 06/21/2017 05:46 AM EDT

With help from Alex Guillén, Ben Lefebvre, Annie Snider and Darius Dixon

BUDGET DEFENSE, PART 2: Look for Interior Secretary Ryan Zinke to get interrogated by Senate Democrats today on an Appropriations subpanel about his plans to reorganize senior career officials within his agency. "I'm very worried about the idea that you're moving people who have real serious expertise in an area to an area that they may not know anything about," Sen. [Tom Udall](#), top Democrat overseeing Interior spending, told ME. "It looks like an attempt to make the agency so it doesn't work very well or [so] that the powers that be exercise their will more easily on the agency." Zinke [plans to shift](#) as many as 50 senior career staff to new roles and suggested in [an agency memo](#) that 1,000 positions at BLM could be eliminated by the end of the year.

More of what's on Udall's mind was in two letters he sent Monday. [One](#), authored with Senate Energy Ranking Member [Maria Cantwell](#), argued Zinke had not properly followed administrative law in suspending key parts of a BLM rule aimed at curbing methane waste from oil and gas operations on public lands. "Nowhere in the Federal Register notice last week did the Department make a finding that industry groups and States are likely to win their lawsuits, suffer irreparable harm if deadlines are not postponed, find the balance of equities tipped in their favor, and that suspending the deadlines is in the public interest," they wrote. "The suspension of parts of the Methane Waste and Prevention Rule seems particularly brazen given that on May 10 the Senate rejected a Congressional Review Act resolution to repeal the rule."

The other letter from Udall, as well as New Mexico Sen. [Martin Heinrich](#) and Reps. [Ben Ray Lujan](#) and [Michelle Lujan Grisham](#), urged Zinke not to alter any New Mexican national monuments designated under the Antiquities Act. "Rescinding or shrinking to New Mexico's national monuments will cause irrevocable harm to our treasured places, would jeopardize the objects and special values that are protected through the Antiquities Act, and impact positive economic growth in local communities," they wrote. ME expects Udall to raise these issues directly at the [hearing](#) today, which kicks off at 9:30 a.m. in Dirksen 124.

PERRY'S HILL APPEARANCE IN QUESTION? Energy Secretary Rick Perry is supposed to make his second Capitol Hill appearance in two days — this time before a Senate Appropriations subpanel — to defend his agency's budget request at 2:30 p.m. today, but that will depend on whether Democrats continue to block committees from meeting after the Senate has been in session for two hours like they did Tuesday. Assuming the hearing takes place, look for top Senate energy spending guru [Lamar Alexander](#) to defend the need for robust energy research funding: "Governing is about setting priorities, and the federal debt is not the result of Congress overspending on science and energy research each year," Alexander will say.

ICYMI, Perry told House Appropriators he wasn't trying "to stir something up," but did precisely that when he [suggested](#) a former bomb testing site in Nevada might be a site for a

temporary waste facility. As Pro's Darius Dixon [reports](#), that comment drew a swift rebuke from Nevada Gov. Brian Sandoval as an "ill-conceived, irresponsible, and likely illegal" idea. Even energy spending cardinal Rep. [Mike Simpson](#) told reporters following the hearing it was the first time he'd heard the suggestion.

Perry told the subcommittee there was a "moral and national security obligation" to build nuclear waste storage facilities and said the U.S. could "no longer kick the can down the road." He added DOE would resurrect the office that ran the Yucca Mountain program before being dismantled under the Obama administration. And he said the agency [did not plan](#) to close any of its 17 national labs, though he didn't directly address concerns about potential staffing cuts.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna and let me start with a quick PSA: Send your tips, gossip and leads to Eric Wolff (ewolff@politico.com) and Ben Lefebvre (blefebvre@politico.com) beginning Thursday while I'm off trading nuptials. I'll be back at the helm by mid-week, next week. In the meantime, FERC's John Peschke was first to identify Fred Thompson as the minority counsel on the Senate Watergate Committee turned senator. For today: Who was chair of the House Judiciary Committee during the Watergate process? As always, find me at aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

[WHAT WORKS - LIVE IN MIAMI BEACH](#) - Join POLITICO in Miami Beach for a series of one-on-one interviews with mayors from across the country to hear how they are fostering innovation, promoting sustainable cities and implementing change in their regions. *Friday, June 23rd — Doors at 8:30am — Eden Roc — Pompeii Room (4525 Collins Ave., Miami Beach, FL)* **RSVP:** [here](#).

NUCLEAR BILL CLEARS HOUSE: Legislation aimed at rewriting a tax credit for nuclear power projects cleared the House by voice vote Tuesday night, Pro's Darius Dixon [reports](#). The bipartisan bill (H.R. 1551), from Reps. [Tom Rice](#) and [Earl Blumenauer](#), would open the credits up to projects that power up after 2020 and may offer a lifeline to four new reactors in South Carolina and Georgia. Senate aides have said the measure is unlikely to move as standalone legislation but more likely as part of comprehensive tax reform.

ATTRACTIONS YET TO COME: The White House plans to designate next week as Energy Week, administration and industry sources tell ME. The Trump administration has been promoting its vision of American "energy dominance," calling for more oil and gas drilling on federal lands and waters and greater exports of natural gas to countries like China. The White House pulled together an "infrastructure week" earlier this month as well as this week's "technology week," which included roundtables between industry representatives and high-level administration officials.

The White House hasn't officially announced Energy Week, and its plans are still at an early stage. Three energy industry sources said the White House is trying to coordinate a meeting of energy CEOs next week, but said the exact scheduling still seemed up in the air. The timing would also coincide with the expected Monday release of the Energy Department's review of policies hurting baseload power on the electric grid.

STATUS CHECK: Litigants in the Dakota Access pipeline lawsuit are back in court today for the first time since last a federal judge last week [ruled](#) the government's environmental review of the project was inadequate. They'll hold a status check today at 2:30 p.m. about next steps in the case, including whether the the pipeline should be shut off as the U.S. Army Corps

of Engineers addresses those deficiencies in the environmental review. Protesters will rally outside the court at 2 p.m. in support of the Standing Rock Sioux Tribe and the Cheyenne River Sioux Tribe's efforts to fight the project.

That came after U.S. District Judge James Boasberg denied a bid from the plaintiffs to add Trump as a defendant in the case, Pro's Ben Lefebvre [reports](#). He did allow the Standing Rock and Cheyenne River Sioux to add 13 new plaintiffs to their case but ordered them to remove Trump from the complaint.

STATES, GREENS FIGHT METHANE STAY: Thirteen states, along with D.C. and Chicago, have gotten involved to try and reinstate a methane rule for new oil and gas wells. EPA's stay "concretely and negatively affects" the states' interest in controlling methane leaks, protecting public health and combating climate change, they argued in a Thursday [filing](#). Several of the states, including New Mexico and Pennsylvania, noted they are home to many of the wells affected, while others complained that the stay hurts their air quality and climate change efforts. [Eleven other states](#) have already gotten involved to defend EPA's stay — and not to be left out, North Dakota and Texas indicated they plan to join that side in a "friend of the court" brief. That comes as environmental groups argued in a [court filing](#) Tuesday EPA has no right to favor oil and gas companies over the people who live near their wells and asked a federal court to reinstate the rule, Pro's Alex Guillén [reports](#).

MERGER MULLED: Zinke still might recombine the agency that oversees offshore oil and gas leasing with the offshore safety and environmental watchdog less than a decade after former Interior Secretary Ken Salazar split them in 2010, Pro's Esther Whieldon and Ben Lefebvre [report](#). "We're considering that," Zinke told POLITICO of the potential merger after speaking at a Chamber of Commerce event in Washington. "But the core of the reorganization is how to get the different bureaus to work together in a joint environment." He said to expect "the first blush" of his major plans to reorganize the agency within the next two months.

EPA 'COMPLETELY WIPES' SCIENCE ADVISORY PANEL: Only 11 of 49 subcommittee members on EPA's Board of Scientific Counselors will remain by September after the agency suspended its meetings for the rest of the year, Pro's Annie Snider and Eric Wolff [report](#). The cancellations, announced in a Monday by Acting Administrator for the Office of Research and Development Robert Kavlock in an [email](#) to BOSC members, come as the agency considers whether to replace most of the members of the board. "It completely wipes out BOSC," committee Chair Deborah Swackhamer told POLITICO.

The agency has said it wants to hear more input from people who understand how regulations affect the economy and says it has encouraged those with expiring terms to reapply. "We are taking an inclusive approach to filling future BOSC appointments and welcome all applicants from all relevant scientific and technical fields," EPA spokeswoman Amy Graham said Tuesday.

I'M ALREADY DEAD! Federal scientists are predicting this summer's Gulf of Mexico dead zone is going to be a whopper - sucking the oxygen from a New Jersey-sized swath of the waterway. At 8,185 square miles, the life-smothering dead zone would be the third largest on record since monitoring began 32 years ago. Researchers attribute the extra-big zone to higher-than average amounts of nutrients washing off farm fields and suburban lawns in the massive watershed. The USGS estimates that the equivalent of 2,800 train cars of fertilizer flowed down the Mississippi and Atchafalaya rivers and into the Gulf in May, alone.

HE'S BAAAAACK: Former Energy Secretary Ernest Moniz plans to make a few headlines today by kicking off the creation of the Energy Futures Initiative at the National Press Club. The group purports to be a nonpartisan think tank focused on decarbonizing the economy and create jobs, according to information on the NPC website. "Moniz plans to use EFI to mobilize stakeholders in government, industry, labor and NGOs in creating a clean energy future." The event starts at 10 a.m.

Moniz seems to like groups with "initiative" in the title. Earlier this month, he officially became CEO and co-chairman of the Nuclear Threat Initiative.

TAKING STOCK OF OIL RISKS: A [report](#) out today from Carbon Tracker and Principles for Responsible Investment says that five of the world's six largest listed oil companies may misallocate up to 30 percent of their potential spending on projects that aren't needed in a world dedicated to limiting its temperature increases to two degrees Celsius. "Investors in oil and gas companies have been in the dark about their exposure to climate risk, but they will now be able to confront companies with precise information and ask hard questions about how they intend to deal with potentially stranded assets," Nathan Fabian with PRI said in a statement.

REPORT OFFERS ROSY VIEW ON AUTO STANDARDS: A new [report](#) from the nonprofit International Council on Clean Transportation says EPA's 2025 auto emissions standards provide benefits totaling more than three times the cost and can be recouped in as few as three years, even with low fuel prices. Based on ICCT's March report that [said](#) compliance costs for the standards could be as much as 40 percent below EPA's 2012 projections, the group concludes new cars' fuel savings would go as high as \$2,600 over a vehicle's lifetime, while trucks could save up to \$4,000, all significantly higher than the estimates costs.

BANKS STILL DIG FOSSIL FUELS: The Rainforest Action Network, BankTrack, Sierra Club and Oil Change International and a host of other organizations are out with [a report](#) today finding major banks poured \$87 billion into fossil fuels projects in 2016. That's better than recent years, but still incompatible with limiting temperature increases to 1.5 degrees Celsius, the groups argue.

MORE PUSH ZINKE AGAINST ARCTIC DRILLING: Seventeen green groups, including the Alaska Wilderness League, Earthjustice and Wilderness Society, wrote Zinke Monday urging [him to reverse course](#) on potentially opening the Arctic National Wildlife Refuge to oil and gas drilling. "The Coastal Plain of the Arctic Refuge is no place for oil and gas activities, which are prohibited by law," they wrote. "The Coastal Plain should be permanently protected as Wilderness."

RAISE UM' UP: The Department of Interior could do more with more, the GAO says. Raising royalty rates on energy production on federal lands would likely bring more money into federal coffers without cutting much into demand for lease sales, according to GAO's [new report](#). Raising royalties to 18.75 percent from the current 12.5 percent would result in a "negligible" loss in lease demand over 10 years while increasing net federal revenue by \$200 million over the same period.

GRIJALVA PUSHES FOR NOAA BUDGET HEARING: House Natural Resources Ranking Member Raul Grijalva sent Chairman Rob Bishop [a letter](#) Tuesday requesting Commerce Secretary Wilbur Ross testify on the Trump administration's budget request for

NOAA. Commerce overall was hit with a 16 percent budget cut, including multiple NOAA programs, as part of the president's budget request.

FLYING IN: The Nature Conservancy expects to hold approximately 250 congressional meetings today as part of its annual advocacy day. They'll be pushing for strong funding for conservation and science programs, as well as support for a "clean, more reliable and low-carbon energy future."

More than 200 members of the National Propane Gas Association are hitting the Hill today to press members on infrastructure, tax reform and delaying the implementation of the Occupational Safety and Health Administration's new crane rule (h/t POLITICO Influence).

MOVER, SHAKER: Michael LaRosa starts on July 10 as comms director for Democrats on the Senate Committee on Energy and Natural Resources under ranking member Sen. [Maria Cantwell](#). He has spent the last six plus years as a producer for MSNBC's "Hardball" with Chris Matthews. (h/t POLITICO Playbook).

Alex Mistri has joined Hess as vice president for government and external affairs; he was previously a managing director for the Glover Park Group.

QUICK HITS

- Inside the Environmental Protection Agency: Paranoia and Stifled Work. [Pacific Standard](#).
- Fisticuffs Over the Route to a Clean-Energy Future. [New York Times](#).
- Oil Bears Are Back as Prices Fall and Driller Shares Take a Hit. [Bloomberg](#).
- Too Hot to Fly? Climate Change May Take a Toll on Air Travel. [New York Times](#).
- Australia warned it has radically underestimated climate change security threat. [The Guardian](#).
- Qatar can weather boycott, foreign investors won't leave: Qatar Petroleum CEO. [Reuters](#).

HAPPENING TODAY

8:30 a.m. — "[Day 1: The Wilson Center-Arctic Circle Forum](#)," Ronald Reagan Building, Amphitheatre, 1300 Pennsylvania Ave. NW

9:30 a.m. — Senate Appropriations Committee [hearing](#) on Interior Department budget w/ Ryan Zinke, 124 Dirksen

10:00 a.m. — National Press Club Headliner [Newsmaker](#) with former Secretary of Energy Ernest Moniz, 529 14th St. NW, 13th Floor

10:00 a.m. — "[Legislative Hearing on Discussion Draft of Helium Extraction Act of 2017](#)," House Natural Resources Subcommittee on Energy and Mineral Resources, 1324 Longworth

10:00 a.m. — "[Leading the Way: Examining Advances in Environmental Technologies](#)," House Science, Space, and Technology Committee's Environment Subcommittee, 2318 Rayburn

10:00 a.m. — Continuation of the [Markup](#) of H.R. 1422, H.R. 1558, H.R. 2246, H.R. 2565, H.R. 2868, H.R. 2875, and H.R. 2874, House Financial Services Committee, 2128 Rayburn

10:00 a.m. — Bloomberg New Energy Finance's [New Energy Outlook](#) 2017, Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

2:30 p.m. — [Hearing](#) to examine DOE's FY2018 budget, Senate Appropriations Energy-Water Subcommittee, 138 Dirksen

3:00 p.m. — "[Addressing Climate Change Through Innovation](#)," Carnegie Endowment for International Peace, 1779 Massachusetts Ave. NW

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/06/zinke-to-get-grilled-over-personnel-moves-023406>

Stories from POLITICO Pro

Zinke to shuffle top Interior Department career staff [Back](#)

By Ben Lefebvre | 06/16/2017 03:15 PM EDT

Interior Secretary Ryan Zinke is shuffling dozens of senior department staff to new positions, reassigning as many as one-quarter of the top career people into new jobs.

A spokeswoman for the agency confirmed the changes were taking place, which Jason Briefel, executive director of Senior Executive Services, told POLITICO could involve as many as 50 people.

That would be "a very large number" compared to the previous shakeups that occur when new administrations take power, Briefel said, and could require some staffers to change jobs in as little as 15 days.

A former Fish and Wildlife Service member told POLITICO a move of that breadth of the staff changes would be "unprecedented," and said the shakeup was rumored to move many of the people between DOI's various agencies.

DOI defended the moves.

"Personnel moves are being conducted to better serve the taxpayer and the department's operations through matching senior executive skill sets with mission and operational requirements," said DOI spokeswoman Heather Swift said. "The president signed an executive order to reorganize the federal government for the future and the secretary has been absolutely out front on that issue."

She decline to give details of the planned job changes.

According to The Washington Post, which obtained a copy of one the letters sent to Interior staff on Thursday, officials who received notices include Interior's top climate policy official, Joel Clement, who directs the Office of Policy Analysis, as well as at least five senior FWS

officials.

Among the Fish and Wildlife officials are the assistant director for international affairs, Bryan Arroyo; the southwest regional director, Benjamin Tuggle; and the southeast regional director, Cindy Dohner, according to the paper. BLM New Mexico state director Amy Lueders would move to FWS, while Bureau of Indian Affairs Director Weldon "Bruce" Loudermilk, acting Assistant Secretary of Indian Affairs Michael S. Black and acting Special Trustee for American Indians Debra L. DuMontier would all be reassigned, the paper said.

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Interior could cut BLM staff by end of this year [Back](#)

By Ben Lefebvre | 06/20/2017 02:12 PM EDT

The Interior Department has told the Bureau of Land Management to prepare for staff cuts of 1,000 positions as soon as the end of this year.

Those cuts would be in line with the White House [budget](#) proposal released in May, although lawmakers have already said they did not intend to follow that guidance.

In a [memo](#) to agency employees, acting BLM Director Michael Nedd conceded that although the White House budget cuts for the agency have not been approved, staff should prepare for the reductions.

"We remain hopeful that the BLM can handle reducing the size of our workforce through normal attrition, retirements, and smart, selective hiring with an emphasis on trying to fill our critical vacancies from within our current workforce," Nedd said in the email. "To accelerate attrition, the Department may also seek authority from the Office of Personnel Management to offer early retirement and voluntary separation incentives later this year."

Neither BLM nor OPM would comment on the plans.

If implemented, the cut would eliminate 10 percent of BLM's staff. But the agency is already operating below full staffing, according to Public Employees for Environmental Responsibility, a nonprofit group representing state and federal workers.

"BLM is ridiculously thinly staffed," PEER Executive Director Jeff Ruch told POLITICO. "They haven't had 10,000 employees for three years. They've already shrunk 10 percent since 2010."

Meanwhile, Congress has already said it would allot more money to Interior than the White House requested.

"I don't expect many of [the cuts] to become a reality, especially those that target popular programs," Sen. [Lisa Murkowski](#) (R-Alaska) told Interior Secretary Ryan Zinke during a Senate Energy and Natural Resources Committee budget hearing this morning.

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Perry: Moving nuclear waste is a 'moral' obligation [Back](#)

By Darius Dixon | 06/20/2017 02:51 PM EDT

Energy Secretary Rick Perry told lawmakers this afternoon that building nuclear waste collection sites is a "moral and national security obligation" for the nation.

"We can no longer kick the can down the road," he said.

The former Texas governor also indicated that DOE is reconstituting its Office of Civilian Radioactive Waste Management, which ran the Yucca Mountain program and was dismantled under the Obama administration, while the Yucca project moves through the Nuclear Regulatory Commission's licensing process.

"This is a dual track [effort]," Perry told the energy and water subpanel of the House Appropriations Committee. "We need to be doing what we're doing — stand up the office, move towards having an orderly transition back to following the law — while the NRC is following their licensing." Those plans were previously [reported](#) by POLITICO.

When pressed further about how DOE plans to rebuild its nuclear waste office while waiting for fiscal 2018,

Perry acknowledged that DOE has some holdover funds to begin rebuilding nuclear waste office while it awaits new funding in the 2018 budget. He also said that doing so would "clearly send the message that that is the direction."

President Donald Trump's budget proposal includes \$120 million to restart licensing activities for Yucca and an interim storage program.

While saying that he didn't want "to stir something up," Perry suggested that the Nevada test site could also be another option for a temporary waste facility along with sites in New Mexico and Texas.

WHAT'S NEXT: The House Appropriations Committee has not yet scheduled the release of their energy and water spending bill. Lawmakers are hoping to get some of the 12 spending bills on the floor in July.

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Nevada governor slams Perry suggestion to store nuclear waste in state [Back](#)

By Darius Dixon | 06/20/2017 05:11 PM EDT

Energy Secretary Rick Perry drew a swift rebuke from Nevada Gov. Brian Sandoval today after floating the idea of storing nuclear waste at a former bomb testing site in the state.

Perry told a House Appropriations subcommittee today that the Nevada National Security Site could serve as an interim waste site while the Energy Department finishes evaluating plans for a permanent repository at nearby Yucca Mountain.

"Today's comments ... come as a complete blindside and I view this as a total disregard and failure to honor the historical process," Sandoval said in a statement. The Republican governor, a friend of Perry, added the idea was "ill-conceived, irresponsible, and likely illegal."

Sandoval also said he'd asked Nevada Attorney General Adam Paul Laxalt to review the idea of storing waste at the site and "identify legal avenues to stop it."

He added: "This is further than even the most fervent pro-Yucca advocates have gone and like Yucca Mountain, this idea is a non-starter."

Perry told members of the energy and water spending panel: "I'm not wanting to stir something up here just for the sake of stirring something up, but if we're truly looking for the proper places to interimly store some waste, that test site has the potential to do that as well."

Perry's suggestion was also new to energy spending cardinal Rep. [Mike Simpson](#).

"It was actually the first time I'd heard that," the Idaho Republican told reporters after the hearing. "It probably raises some eyebrows [in Nevada] about 'Are you going to put everything here?'"

WHAT'S NEXT: Perry told appropriators that DOE was already making efforts to reconstitute its nuclear waste office before fiscal 2018 funds are approved, but he hasn't given a clear timeline for any announcements.

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Perry: DOE does not plan to shutter national labs [Back](#)

By Darius Dixon | 06/20/2017 04:02 PM EDT

Energy Secretary Rick Perry said today that he does not plan to close any of its 17 national labs, but he steered around concerns about potential staffing cuts at the Energy Department.

"There's not any of these labs that are going to be shut down, obviously," Perry told the energy and water panel of the House Appropriations Committee. "These labs are going to be continuing to be the future of this country from the standpoint of innovation and technology."

Republican Rep. [Dan Newhouse](#) estimated that President Donald Trump's fiscal 2018 budget proposal would cut about \$200 million from DOE's Pacific Northwest National Lab in his Washington district.

"Let me tell you what that means in human terms," Newhouse said. "That would be a loss of a thousand jobs." He also asked Perry to square how Trump administration's proposal to make deep cuts in DOE science and technology programs doesn't hurt U.S. leadership in research.

Perry pushed back by saying that translating spending cuts directly into program changes at DOE was a "cold" and "sterile" interpretation.

"It doesn't take into account our being able to manage, our being able to use year-end extended balances," Perry said.

But while Perry insisted that DOE wouldn't scale down its research mission, he didn't address Newhouse's concern about staffing levels directly.

"I am comfortable that we will manage these labs in a way that continues to keep the employment levels at the levels to deliver the innovation and the technology this country's going to need," Perry said.

WHAT'S NEXT: Perry is scheduled to testify before the energy and water subpanel of the Senate Appropriations Committee on Wednesday, although that session may have to be canceled if Democrats continue to [block](#) afternoon hearings as they did today.

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House easily approves nuclear tax extension [Back](#)

By Darius Dixon | 06/20/2017 05:28 PM EDT

The House passed legislation tonight aimed at rewriting a tax credit for nuclear power projects that may decide the fate of four reactors in South Carolina and Georgia.

The bipartisan bill, H.R. 1551, from Reps. [Tom Rice](#) and [Earl Blumenauer](#) was passed on a voice vote and would open the credits up to projects that power up after 2020. The bill was approved on by the House Ways and Means Committee last week.

The credits — worth billions of dollars to the companies building Summer and Vogtle nuclear expansions — currently require that new reactors be in service by the end of 2020 to qualify. But that timeline became essentially impossible for the SCANA and Georgia Power following the bankruptcy of their contractor, Westinghouse, earlier this year.

WHAT'S NEXT: Sen. [Tim Scott](#) has introduced the Senate version of the legislation, S. 666, but Senate aides have said that the chamber is likely to move the measure as part of comprehensive tax reform rather than as a standalone bill.

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Judge orders DAPL plaintiffs to drop Trump as defendant [Back](#)

By Ben Lefebvre | 06/20/2017 04:26 PM EDT

A federal court judge today blocked a bid by plaintiffs in a Dakota Access pipeline lawsuit from naming President Donald Trump as a defendant.

U.S. District Judge James Boasberg's June 19 motion allows the Standing Rock and Cheyenne River Sioux to add 13 new plaintiffs to their case but ordered them to remove Trump from their complaint. The new plaintiffs had been pursuing a parallel case against DAPL that had named Trump as a defendant and alleged that his January 24 Presidential Memorandum ordering the Army Corps of Engineers to expedite the DAPL review was "without legal authority."

Boasberg dismissed that claim in the case that has already gone on nearly a year. In March, the judge rejected an injunction the tribes requested to halt DAPL's completion, and oil has already started flowing through the line that connects North Dakota oil fields to storage facilities in Illinois.

"They agree to dismiss all claims asserted in their Proposed Complaint against President Donald Trump, such that their Complaint shall be coterminous with the Complaint of the current Plaintiffs in the case," the tribes said in response to the judge's order.

A White House spokeswoman did not immediately comment.

WHAT'S NEXT: Lawyers in the case will hold a conference on June 21.

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Greens pan EPA defense of stay on methane rule [Back](#)

By Alex Guillén | 06/20/2017 03:43 PM EDT

Environmental groups today asked a federal court to reinstate EPA's methane rule for new oil and gas wells, arguing the agency has no right to favor oil and gas companies over the people who live near their wells.

EPA put the rule on hold for 90 days while it reconsiders several key provisions, a decision that would save millions of dollars in compliance costs. But the agency [said](#) that decision would not create a public health emergency because leaving the rule in place would prevent just 0.046 percent of annual industry emissions.

Environmental groups said that EPA's justification violated the Clean Air Act by ignoring the residents who live downwind from drilling operations, especially children, people with asthma and other groups most vulnerable to air pollution.

"It is irrelevant because it does not reduce the burden felt by Petitioners' members who live

near sources whose emissions would be abated but for the unlawful stay, especially those in nonattainment areas where *any* additional VOC emissions may increase local ozone concentrations," the groups wrote in their [brief](#) today. "And it is disingenuous because those massive emissions are the result of EPA's own failure to regulate existing oil and gas wells."

The green groups also panned EPA's arguments that the industry would face millions of dollars' worth of compliance if the stay were lifted when "these same wells produce billions of dollars of revenue annually."

WHAT'S NEXT: The D.C. Circuit Court of Appeals will decide whether to grant environmentalists' emergency request to lift EPA's stay of the methane rule. There is no specific deadline to do so, but the court has indicated it will consider the request on an expedited timetable.

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Zinke still considering merging offshore oil leasing, safety agencies [Back](#)

By Esther Whieldon and Ben Lefebvre | 06/20/2017 06:09 PM EDT

Interior Secretary Ryan Zinke confirmed Tuesday he is still mulling recombining the agency that oversees offshore oil and gas leasing with the offshore safety and environmental watchdog.

The possible integration of the Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement could bring the two agencies back together less than a decade after former Interior Secretary Ken Salazar used a secretarial order to split them in 2010. The move took more than a year and millions of dollars to achieve.

"We're considering that," Zinke told POLITICO of the potential merger after speaking at a Chamber of Commerce event in Washington. "But the core of the reorganization is how to get the different bureaus to work together in a joint environment."

Zinke expects to unveil "the first blush" of his department-wide reorganization plans "in the next 60 days or so," he said in his speech.

Zinke has yet to lay out the benefits that merging the BSEE and BOEM would bring. But critics have called a possible merger a step back to the days when the government's offshore safety regulators were seen as being too close to the companies bidding to drill for oil and gas in federal waters.

"The offshore drilling bureau charged with leasing as much federal land as possible, as quickly as possible, shouldn't merge with the bureau responsible for ensuring safe drilling," Sen. [Ed Markey](#) (D-Mass.) said in an emailed statement.

Following Zinke's announcement last month, acting BOEM Director Walter Cruickshank said in an [email](#) to staff that there was little additional information to share with them except that Zinke expected to mull the merger over the summer.

"At this time, we don't have more details on what the Secretary is considering, but I will make information available to you when I have it," Cruickshank said in a note obtained by POLITICO under the Freedom of Information Act.

A merger of the two agencies may be one reason Zinke picked Scott Angelle to lead BSEE in late May, industry lobbyists said. Angelle oversaw Louisiana's oil and gas leasing and drilling operations in his role at the state's Office of Mineral Resources before coming to the Interior Department, which would align more closely with BOEM's role than the more safety-orientated BSEE that he now leads.

Interior created BSEE and BOEM in 2010 in the wake of the Deepwater Horizon explosion in the Gulf of Mexico, when their operations had been under the Minerals Management Service umbrella. A series of scandals at MMS also helped convince Interior officials at the time that the agency "could not keep pace with the challenges of overseeing industry operating in U.S. waters."

BSEE's 881 employees conduct more than 21,000 inspections per year, checking on nearly 2,400 offshore oil and gas drilling and production facilities, according to Interior budget documents. BOEM, for its part, oversees more than 3,000 active oil and gas leases across more than 16 million acres of federal waters.

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EPA suspends science committee's work, mulls replacing most members [Back](#)

By Annie Snider and Eric Wolff | 06/20/2017 03:27 PM EDT

EPA is suspending meetings of a key scientific advisory committee for the rest of this year while the agency considers whether to replace most of its members.

The agency told members of the Board of Scientific Counselors that they would have to reapply for their seat if their first term expires this August or next March, rather than being automatically reappointed for a second three-year term as has traditionally been the case. Acting Administrator for the Office of Research and Development Robert Kavlock's [email](#) to BOSC members on Monday announcing the change follows a previous [decision](#) not to automatically re-up members whose term ended in April of this year.

"It completely wipes out BOSC," committee Chair Deborah Swackhamer told POLITICO. She pointed out that the committee was about to begin a major review of the agency's research programs as it plans for the next five years' worth of work.

The new round of notices means only 11 of 49 subcommittee members will remain after August, Swackhamer said. The board's [executive committee](#), which typically has around 20 members, will be down to just three, she said. EPA said they will be allowed to submit new applications.

"At the very least, this slows down BOSC's activity by nearly a year," Swackhamer said. "It

also bodes poorly for other committees at EPA — one-third of the flagship Science Advisory Board is due to complete their first term in September."

The agency has [previously said](#) that Administrator Scott Pruitt wants to hear more input from those who understand how regulations affect the economy.






"EPA is grateful for the service of all BOSC members, past and present, and has encouraged those with expiring terms to reapply," EPA spokeswoman Amy Graham said Tuesday. "We are taking an inclusive approach to filling future BOSC appointments and welcome all applicants from all relevant scientific and technical fields."

Kavlock's email made clear that anyone interested in applying for a second term had to submit their nomination by a June 30 deadline laid out in the Federal Register.

"Because of the need to reconstitute the BOSC, we are canceling all subcommittee meetings initially planned for late summer and fall," Kavlock wrote. He said EPA's goal was for the committee and subcommittees to "resume their work in 2018."

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