

**FEDERAL REGULATORY UPDATE
July 2010**

**ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 745
[EPA-HQ-OPPT-2005-0049; FRL-8836-1] RIN 2070-AJ57**

Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: EPA issued a proposed rule in the **Federal Register** of May 6, 2010, concerning several revisions to the 2008

Lead Renovation, Repair, and Painting Program (RRP) rule. This document reopens the comment period for an additional 30 days. **DATES:** Comments, identified by docket identification (ID) number EPA-HQ-OPPT-2005-0049, must be received on or before August 6, 2010.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Cindy Wheeler, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-0484; e-mail address: wheeler.cindy@epa.gov.

This document reopens the public comment period established in the **Federal Register** of May 6, 2010 (75 FR 25038) (FRL-8823-5). In that document, EPA proposed several revisions to the 2008 Lead Renovation, Repair, and Painting Program (RRP) rule. The proposal included additional requirements designed to ensure that lead-based paint hazards generated by renovation work are adequately cleaned after renovation work is finished and before the work reopening the comment period for 30 days.

**Federal Register Volume 75, Number 129 (Wednesday, July 7, 2010)
Proposed Rules
FR Doc No: 2010-16169**

**ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 152
[EPA-HQ-OPP-2010-0427; FRL-8826-5]**

Declaration of Prion as a Pest under FIFRA and Amendment of EPA's Regulatory Definition of Pests to Include Prion; Notification to the Secretaries of Agriculture and Health and Human Services

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification to the Secretaries of Agriculture and Health and Human Services.

SUMMARY: This document notifies the public that the Administrator of EPA has forwarded to the Secretaries of Agriculture and Health and Human Services a draft proposed rule under sections 21 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The draft rule proposes to declare a prion (i.e., proteinaceous infectious particle) a "pest" under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), so a product intended to reduce the infectivity of any prion on inanimate surfaces (i.e., a "prion product") is considered to be a pesticide and regulated as such. Any company seeking to distribute or sell a pesticide product regulated under FIFRA must obtain EPA approval before it can be distributed or sold in the United States. This draft proposed rule would codify the Agency's current interpretation of FIFRA, and provides interested parties the opportunity to comment about how it is adding prion to the list of pests in EPA's regulations. This amendment, together with the formal declaration that a prion is a pest, will eliminate any confusion about the status of prion products under FIFRA. Regulating prion products under FIFRA is appropriate for protecting human health and the environment against unreasonable adverse effects and ensuring that such products are effective.

Federal Register: July 12, 2010 (Volume 75, Number 132)

**ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 98**

EPA-HQ-OAR-2008-0508; FRL-9171-1RIN 2060-AQ03

**Mandatory Reporting of Greenhouse Gases From Magnesium Production,
Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste
Landfills**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating a regulation to require monitoring and reporting of greenhouse gas emissions from magnesium production, underground coal mines, industrial wastewater treatment, and industrial waste landfills. This action adds these four source categories to the list of source categories already required to report greenhouse gas emissions. This action requires monitoring and reporting of greenhouse gases for these source categories only for sources with carbon dioxide equivalent emissions above certain threshold levels as described in this regulation. This action does not require control of greenhouse gases.

DATES: The final rule is effective on September 10, 2010. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 10, 2010.

ADDRESSES: EPA established a single docket under Docket ID No. EPA-HQ- OAR-2008-0508 for this action and for the previous action promulgated October 30, 2009 (74 FR 56260). All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA's Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1741.

FOR FURTHER INFORMATION CONTACT: Carole Cook, Climate Change Division, Office of Atmospheric Programs (MC-6207J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9263; fax number: (202) 343-2342; e-mail address: GHGReportingRule@epa.gov.

Federal Register: July 13, 2010 (Volume 75, Number 133)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 355 and 370

EPA-HQ-SFUND-1998-0002; FRL-9168-7

Emergency Planning and Community Right-to-Know Act; Guidance on Reporting Options for Sections 311 and 312 and Interpretations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Guidance and interpretations.

SUMMARY: In this document, the U.S. Environmental Protection Agency (EPA or the Agency) is providing guidance on various reporting options that States and local agencies may choose in implementing sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). In addition, the Agency is also providing some new interpretations and revising some existing ones to help facilities comply with certain of the requirements under EPCRA.

DATES: Effective Date: July 13, 2010.

Federal Register: July 14, 2010 (Volume 75, Number 134)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

EPA-HQ-OW-2008-0878; FRL-9166-8 RIN 2040-AD94

National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is proposing revisions to the 1989 Total Coliform Rule. The proposed Revised Total Coliform Rule offers a meaningful opportunity for greater public health protection beyond the current Total Coliform Rule. The proposed revisions require systems that have an indication of coliform contamination in the distribution system to assess the problem and take corrective action that may reduce cases of illnesses and deaths due to potential fecal contamination and waterborne pathogen exposure. This proposal also updates provisions in other rules that reference analytical methods and other requirements in the current TCR (e.g., Public Notification and Ground Water Rules). These proposed revisions are in accordance with the Safe Drinking Water Act as amended, which requires EPA to review and revise, as appropriate, each national primary drinking water regulation promulgated under the Safe Drinking Water Act not less often than every six years. As with the current Total Coliform Rule, the proposed Revised Total Coliform Rule applies to all public water systems.

DATES: Comments must be received on or before September 13, 2010.

Federal Register: July 15, 2010 (Volume 75, Number 135)

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2010-0280; FRL-9173-9]

**Protection of Stratospheric Ozone: Request for Methyl Bromide
Critical Use Exemption Applications for 2013**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of solicitation of applications and information on alternatives.

SUMMARY: EPA is soliciting applications for the critical use exemption from the phaseout of methyl bromide for 2013. Critical use exemptions last only one year. All entities interested in obtaining a critical use exemption for 2013 must provide EPA with technical and economic information to support a "critical use" claim and must do so by the deadline specified in this notice even if they have applied for an exemption in a previous year. Today's notice also invites interested parties to provide EPA with new data on the technical and economic feasibility of methyl bromide alternatives. The U.S. critical use exemption program has cushioned the U.S. transition in an important way. Thus far, EPA has allocated critical use methyl bromide through rulemaking for each of the six years (2005-2010) since the U.S. phaseout, and plans to do so for another four years (2011-2014). Critical use nominations must be approved each year at the international level by the Parties to the Montreal Protocol, and the U.S. is one of five remaining developed countries requesting such exemptions; several of these countries have announced final dates for all or part of their requests in the years between now and 2015, the year that developing countries are required to phase out methyl bromide. While EPA with this notice is seeking applications for 2013 and will likely request applications for 2014, EPA believes it is appropriate at this time to consider a year in which the Agency will stop requesting applications for critical use exemptions. EPA will seek comment on this issue in the proposed rule for the 2011 critical use exemption.

DATES: Applications for the 2013 critical use exemption must be postmarked on or before September 13, 2010.

**Federal Register: July 20, 2010 (Volume 75, Number 138)
ENVIRONMENTAL PROTECTION AGENCY**

40 CFR Part 63

EPA-HQ-OAR-2008-0080; FRL-9176-7 RIN 2060-AQ26

Amendments to National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on three amendments to the regulatory text in the prepared feeds manufacturing area source rule. First, this action corrects the date for new sources to submit a Notification of Compliance Status (NOCS) form. Second, this action corrects information that needs to be included in the Notification of Compliance Report for those small facilities that are not required to install cyclones on their pelleting operations. Third, this action adds language to the regulatory text that was inadvertently left out of the final rule requiring submittal of the annual compliance certification report. These corrections and clarifications will not change the standards established by the rule and not result in the imposition of any costs beyond those included in the final rule.

DATES: This direct final rule is effective on November 2, 2010, without further notice, unless EPA receives adverse comment by September 3, 2010. If we receive adverse comment, we will publish a timely withdrawal in the Federal Register informing the public that some or all of the amendments in this rule will not take effect.

**Federal Register: July 28, 2010 (Volume 75, Number 144)
ENVIRONMENTAL PROTECTION AGENCY**

40 CFR Part 721

**EPA-HQ-OPPT-2009-0686; FRL-8828-3
RIN 2070-AB27**

**Proposed Significant New Use Rule for Multi-walled Carbon Nanotubes; Reopening of
Comment Period**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: EPA issued a proposed rule in the Federal Register of February 3, 2010, concerning a proposed significant new use rule (SNUR) for the chemical substance identified generically as multi-walled carbon nanotubes (P-08-199). In order to address public comments, EPA is adding information to the docket and reopening the comment period. This document reopens the comment period for 30 days.

DATES: Comments, identified by docket identification (ID) number EPA-HQ-OPPT-2009-0686, must be received on or before August 27, 2010.

Federal Register: July 27, 2010 (Volume 75, Number 143)

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171 and 177

**Docket No. PHMSA-2005-22987 (HM-238)
RIN 2137-AE06**

Hazardous Materials: Requirements for the Storage of Explosives During Transportation

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA, in coordination with the Federal Motor Carrier Safety Administration (FMCSA), is proposing to enhance existing attendance requirements for explosives stored during transportation by designating the National Fire Protection Association (NFPA) standard 498 as the Federally approved standard for the construction and maintenance of safe havens used for unattended storage of Division 1.1, 1.2, and 1.3 explosives.

DATES: Comments must be received by September 27, 2010.