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Dated: August 21, 2009.

**Rebecca Clark,**

*Acting Director, National Center for Environmental Assessment.*

[FR Doc. E9-22912 Filed 9-22-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2009-0297; FRL-8961-8]

RIN 2040-AF08

### Drinking Water: Perchlorate Supplemental Request for Comments

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Reopening of public comment period.

**SUMMARY:** In an August 19, 2009, **Federal Register** notice, EPA announced that it was seeking comments on additional approaches to analyzing data related to the Agency's preliminary regulatory determination for perchlorate. The additional comments are sought in an effort to ensure consideration of all the potential options for evaluating whether there is a meaningful opportunity for human health risk reduction of perchlorate through a national primary drinking water rule. In response to requests from several stakeholders, this action reopens the public comment period for an additional 15 days.

**DATES:** EPA must receive your comments on or before October 8, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2009-0297, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave.,

NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OW-2009-0297. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov> your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**FOR FURTHER INFORMATION CONTACT:** Eric Burneson, Office of Ground Water and Drinking Water, Standards and Risk Management Division, at (202) 564-5250 or e-mail [burneson.eric@epa.gov](mailto:burneson.eric@epa.gov). For general information contact the EPA Safe Drinking Water Hotline at (800) 426-4791 or e-mail: [hotline-sdwa@epa.gov](mailto:hotline-sdwa@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The statutory and regulatory background is described in detail in the October 10, 2008, **Federal Register** notice of a preliminary regulatory determination for perchlorate (73 FR 60262) and summarized in the August 19, 2009, **Federal Register** notice of supplemental request for comments (74 FR 41883). Briefly, the Safe Drinking Water Act (SDWA) section 1412, as

amended in 1996, requires EPA to make a determination whether to regulate at least 5 contaminants from its contaminant candidate list (CCL) every 5 years. To regulate a contaminant in drinking water, EPA must determine that it meets three criteria: (1) The contaminant may have an adverse effect on human health, (2) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern, and (3) regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.

On October 10, 2008, EPA published a preliminary regulatory determination for perchlorate, requesting public comment on its determination that perchlorate did not meet the second and third criteria for regulation. On November 12, 2008, EPA published a **Federal Register** Notice (73 FR 66895) reopening the comment period for the preliminary regulatory determination for an additional 15 days. The Agency received 32,795 comment letters on the preliminary regulatory determination for perchlorate. These comments and other supporting materials for the October 10, 2008, notice are available electronically at <http://www.regulations.gov> (Docket ID No. EPA-HQ-OW-2008-0692).

On August 19, 2009, EPA published a **Federal Register** notice of supplemental request for comment on a broader range of alternatives for interpreting the available data on: the level of health concern, the frequency of occurrence of perchlorate in drinking water, and the opportunity for health risk reduction through a national primary drinking water standard. These alternative interpretations may impact the Agency's final regulatory determination for perchlorate. The supporting materials for the August 19, 2009, supplemental notice are available electronically at <http://www.regulations.gov> (Docket ID No. EPA-HQ-OW-2009-0297).

#### Next Steps

Several stakeholders have requested an extension to the September 18, 2009, comment deadline specified in the August 19, 2009, supplemental notice in order to evaluate EPA's alternative analyses and prepare comments. This action reopens the comment period for an additional 15 days.

The Agency will consider the information and comments submitted in response to the August 19, 2009, supplemental notice until October 8, 2009. EPA will also consider the comments received on the previous

**Federal Register** Notices pertaining to the perchlorate regulatory determination and all peer review comments before issuing a final regulatory determination for perchlorate. EPA intends to issue a regulatory determination as expeditiously as possible following consideration of the comments and information received by the Agency.

Dated: September 17, 2009.

**Michael H. Shapiro,**

*Acting Assistant Administrator, Office of Water.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0218; FRL-8421-5]

### Estimating the Drinking Water Component of a Dietary Exposure Assessment; Science Policy, Notice of Withdrawal

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA hereby withdraws the pesticide science policy document entitled "Estimating the Drinking Water Component of a Dietary Exposure Assessment," that was issued in November 1999. This science policy was developed during the implementation of the new safety standard in section 408 of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. EPA's assessment of exposure to residues in drinking water no longer involves performing screening level assessments as described in this policy paper. Instead, the Agency now routinely develops estimates of exposure to pesticides in drinking after using the more advanced methods that EPA has described in other science policy papers.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Behl, Environmental Fate and Effects Division, Office of Pesticide Programs (7507P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703-305-6128; fax number: 703-305-6309; e-mail address: [behl.betsy@epa.gov](mailto:behl.betsy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed to the public in general. This action, however, may be of interest to persons who produce or formulate pesticides or who register

pesticide products. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Get Copies of this Document and Other Related Information?

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2009-0218. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

##### II. Background

The Food Quality Protection Act of 1996 (FQPA) significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Among other changes, FQPA established a stringent health-based standard ("a reasonable certainty of no harm") for pesticide residues in foods to assure protection from unacceptable pesticide exposure and strengthened health protections for infants and children from pesticide risks.

During 1998 and 1999, EPA and the United States Department of Agriculture (USDA) established a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT), the Tolerance Reassessment Advisory Committee (TRAC), to address FFDCA issues and implementation. TRAC was comprised of more than 50 representatives of affected user, producer, consumer, public health, environmental, states, and other interested groups. The TRAC met from May 27, 1998, through April 29, 1999.

In order to continue the constructive discussions about FFDCA, EPA and USDA established, under the auspices of NACEPT, the Committee to Advise on Reassessment and Transition (CARAT). The CARAT provided a forum for a broad spectrum of stakeholders to consult with and advise the Agency and the Secretary of Agriculture on pest and pesticide management transition issues related to the tolerance reassessment

process. The CARAT was intended to further the valuable work initiated by earlier advisory committees toward the use of sound science and greater transparency in regulatory decision-making, increase stakeholder participation, and advise on reasonable transition strategies that reduce risks without jeopardizing American agriculture and farm communities.

As a result of the 1998 and 1999 TRAC process, EPA decided that the implementation process and related policies would benefit from providing notice and comment on major science policy issues. The TRAC identified nine science policy areas it believed were key to implementation of tolerance reassessment. EPA agreed to provide one or more documents for comment on each of the nine issues by announcing their availability in the **Federal Register**. In a notice published in the **Federal Register** of October 29, 1998 (63 FR 58038) (FRL-6041-5), EPA described its intended approach. Since then, EPA has issued a series of draft and revised documents concerning the nine science policy issues. Publication of this notice is intended to update the public on the status of the science paper "Estimating the Drinking Water Component of a Dietary Exposure Assessment."

##### III. Summary: Why this Policy is No Longer Needed

As a result of the new procedures for estimating concentrations of pesticide residues in drinking water, this notice announces the withdrawal of "Estimating the Drinking Water Component of a Dietary Exposure Assessment," <http://www.epa.gov/fedrgrstr/EPA-PEST/1999/November/Day-10/6044.pdf>.

In assessing the risks of pesticide exposure, scientists frequently use mathematical models to predict pesticide concentrations in food, water, residential, and occupational environments. This notice pertains to how the Agency determines pesticide risk from drinking water. (For more information on the models the Agency uses to estimate concentrations of pesticides in drinking water see <http://www.epa.gov/oppefed1/models/water/models4.htm>). The current approach provides a more realistic estimate of exposure through drinking water since actual drinking water consumption data and reported body weight from the Combined Survey of Food Intake by Individuals (CSFII) are used, rather than the standard assumptions used in the approach discussed in "Estimating the Drinking Water Component of a Dietary Exposure Assessment."