



Federal Register

**Monday,
December 20, 2010**

Part XV

**Environmental
Protection Agency**

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[9134-3]

EPA-HQ-OA-2007-1172

EPA-HQ-OW-2010-0169

EPA-HQ-OW-2010-0166

EPA-HQ-OAR-2010-0052

EPA-HQ-OW-2010-0728

Fall 2010 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-Agenda) at www.reginfo.gov to update the public about:

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- Rules and major policymakings completed or canceled since the last agenda.

Definitions:

“E-Agenda,” “online regulatory agenda,” and “semiannual regulatory agenda” all refer to the same comprehensive collection of information that until 2007 was published in the **Federal Register** but which now is only available through an online database.

“Regulatory Flexibility Agenda” refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. It continues to be published in the **Federal Register** because that is what is required by the 1980 Regulatory Flexibility Act.

“Monthly Action Initiation List” (AIL) refers to a list that EPA posts online each month of the regulations newly approved for development.

“Unified Regulatory Agenda” refers to the collection of all agencies’ agendas with an introduction prepared by the Regulatory Information Service Center.

“Regulatory Agenda preamble” refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both the Regulatory Flexibility Agenda and the e-Agenda.

“Rulemaking Gateway” refers to a new online portal to EPA’s priority rules with earlier and more frequently updated information about Agency regulations. More information about the Rulemaking Gateway appears in section H of this preamble.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the semiannual regulatory agenda, please contact: Phil Schwartz (schwartz.philip@epa.gov; 202-564-6564) or Caryn Muellerleile (muellerleile.caryn@epa.gov; 202-564-2855).

TO BE PLACED ON A MAILING LIST FOR UPDATED INFORMATION ON RULES UNDER DEVELOPMENT:

If you would like to receive an e-mail with a link to new semiannual regulatory agendas as soon as they are published, please send an e-mail message with your name and address to: nscep@bps-lmit.com and put “E-Regulatory Agenda: Electronic Copy” in the subject line.

If you would like to regularly receive information about the rules newly approved for development, sign up for our monthly Action Initiation List by going to <http://www.epa.gov/lawsregs/search/ail.html#notification> and completing the steps listed there.

You can track progress on various aspects of EPA’s priority rulemakings by signing up for RSS feeds from the

Rulemaking Gateway at <http://yosemite.epa.gov/opei/RuleGate.nsf/content/getalerts.html?opendocument>.

If you would like to receive a hard copy of the semiannual agenda about 2 to 3 months after publication, call 800-490-9198 or send an e-mail with your name and complete address to: nscep@bps-lmit.com and put “Regulatory Agenda Hard Copy” in the subject line. We are ending distribution of hard copies of the Agenda after the Fall 2010 edition. You will still, however, be able to download and print a Federal Register style version of the EPA’s Agenda at www.epa.gov/lawsregs/search/regagenda.html.

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A. Map of Regulatory Agenda Type Information

Type of Information	Online Locations	Federal Register Location
Semiannual Regulatory Agenda	www.reginfo.gov/ , www.regulations.gov/ , and http://www.epa.gov/lawsregs/search/regagenda.html	Not in FR

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Type of Information	Online Locations	Federal Register Location
FY 2011 Regulatory Plan	Go to: Regulations.gov and put "EPA-HQ-OA-2010-0915-0002" in the key word box	Part II of today's issue
Semiannual Regulatory Flexibility Agenda	www.reginfo.gov/ , www.regulations.gov/ , and http://www.epa.gov/lawsregs/search/regagenda.html	Part XII of today's issue
Monthly Action Initiation List	http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-HQ-OA-2008-0265 and http://www.epa.gov/lawsregs/search/ail.html	Not in FR
Rulemaking Gateway	www.epa.gov/rulemaking/	Not in FR

B. What Are EPA's Regulatory Priorities, and What Key Principles, Statutes, and Executive Orders Guide Our Rule and Policymaking Process? Priorities

To guide the Agency's efforts in 2011 and subsequent years, Administrator Lisa P. Jackson has established the following seven guiding principles. For a more extensive discussion of these principles please see our FY 2011 Regulatory Plan.

1. Taking Action on Climate Change: In 2009 EPA finalized an endangerment finding on greenhouse gases; issued the first national rules to reduce greenhouse-gas emissions under the Clean Air Act; and initiated a national reporting system for greenhouse gas emissions. In 2010, EPA and NHTSA announced a joint final rule establishing a historic national program that will dramatically reduce greenhouse gas emissions and improve fuel economy for new cars and trucks sold in the United States. The mobile sources addressed in that regulatory action — light-duty vehicles and heavy-duty vehicles — accounted for 23 percent of all U.S. greenhouse gas emissions in 2007. While EPA stands ready to help Congress craft strong, science-based climate legislation that addresses the spectrum of issues, the Agency will deploy existing regulatory tools as they are available and warranted.

2. Improving Air Quality: Since passage of the Clean Air Act Amendments in 1990, nationwide air quality has improved significantly for the six criteria air pollutants for which there are national ambient air quality standards. Despite this progress, about 127 million Americans lived in counties with air considered unhealthy in 2008.

Long-term exposure to air pollution can cause cancer and damage to the immune, neurological, reproductive, cardiovascular, and respiratory systems. Because people spend much of their lives indoors, the quality of indoor air is also a major concern.

3. Assuring the Safety of Chemicals: One of EPA's highest priorities is to make significant and long overdue progress in assuring the safety of chemicals. On September 29, 2009, Administrator Jackson announced clear principles to guide Congress in writing a new chemical risk management law that will fix the weaknesses in Toxic Substances Control Act (TSCA). EPA is shifting its focus to addressing high-concern chemicals and filling data gaps on widely-produced chemicals in commerce.

4. Cleaning Up Our Communities: In 2009, EPA accelerated its Superfund program and confronted significant local environmental challenges like the asbestos Public Health Emergency in Libby, Montana and the coal ash spill in Kingston, Tennessee.

5. Protecting America's Waters: America's water bodies are imperiled as never before. Water quality and enforcement programs face complex challenges, from nutrient loadings and storm water runoff to invasive species and drinking water contaminants. These challenges demand both traditional and innovative strategies.

6. Expanding the Conversation on Environmentalism and Working for Environmental Justice: Environmentalism has been described as a conversation that we all must have because it is about protecting people in the places they live, work, and raise families. The Agency is now focusing on

expanding the conversation to include new stakeholders and involve communities in more direct ways.

7. Building Strong State and Tribal Partnerships: EPA's success depends more than ever on working with increasingly capable and environmentally conscious partners. The Agency works with the States and Tribes, business and industry, nonprofit organizations, environmental groups, and educational institutions in a wide variety of collaborative efforts. States and tribal nations bear important responsibilities for the day-to-day mission of environmental protection.

Other Key Principles, Statutes, and Executive Orders Guiding Our Rule and Policymaking Process

EPA's strength has always been our ability to adapt to the constantly changing face of environmental protection as our economy and society evolve, and science teaches us more about how humans interact with and affect the natural world. Now, more than ever, EPA must be innovative and forward looking because the environmental challenges faced by Americans all across our country are unprecedented.

Besides the fundamental environmental laws authorizing EPA actions such as the Clean Air Act and Clean Water Act, there are legal requirements that apply to the issuance of regulations that are generally contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the

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Congressional Review Act. We also must meet a number of requirements contained in Executive Orders 12866 (Regulatory Planning and Review; 58 FR 51735; October 4, 1993), 12898 (Environmental Justice; 59 FR 7629; February 16, 1994), 13045 (Children's Health Protection; 62 FR 19885; April 23, 1997), 13132 (Federalism; 64 FR 43255; August 10, 1999), 13175 (Consultation and Coordination with Indian Tribal Governments; 65 FR 67249; November 9, 2000), 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use; 66 FR 28355; May 22, 2001).

C. How Can You Be Involved in EPA's Rule and Policymaking Process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. We urge you to participate as early in the process as possible. You may also participate by commenting on proposed rules that we publish in the **Federal Register** (FR).

Instructions on how to submit your comments are provided in each of our Notices of Proposed Rulemaking (NPRMs). To be most effective, comments should contain information and data that support your position, and you also should explain why we should incorporate your suggestion in the rule or nonregulatory action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

We believe our actions will be more cost-effective and protective if our development process includes stakeholders working with us to identify the most practical and effective solutions to problems, and we stress this point most strongly in all of our training programs for rule and policy developers. Democracy gives real power to individual citizens, but with that power comes responsibility. We urge you to become involved in EPA's rule and policymaking process. For more information about public involvement in EPA activities, please visit www.epa.gov/publicinvolvement.

D. What Actions Are Included in the E-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations and certain major policy documents in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and we generally do

not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from the New Source Performance Standards source categories list; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes;
- Under the Federal Insecticide, Fungicide, and Rodenticide Act: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under the Resource Conservation and Recovery Act: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the Clean Water Act: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

The Regulatory Flexibility Agenda normally includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act. There are four rules for 610 reviews in 2010.

E. How Is the E-Agenda Organized?

You can now choose how both the www.reginfo.gov and www.regulations.gov versions of the e-Agenda are organized. Current choices include: EPA subagency; stage of rulemaking, explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Stages of rulemaking include:

1. Prerulemaking—Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as Advance Notices of Proposed Rulemaking (ANPRMs) studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important prerulemaking policy proposals).

2. Proposed Rule—This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).

3. Final Rule—This section includes rules that will be issued as a final rule within a year.

4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action is after October 2011. We urge you to explore becoming involved even if an action is listed in the Long-Term category. By the time an action is listed in the Proposed Rules category you may have missed the opportunity to participate in certain public meetings or policy dialogues.

5. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2010. It also includes actions that EPA is no longer considering. If an action appears in the completed section, it will not appear in future agendas unless we decide to initiate action again, in which case it will appear as a new entry. EPA also announces the results of the Regulatory Flexibility Act section 610 reviews in this section of the agenda.

F. What Information Is in the Regulatory Flexibility Agenda and the E-Agenda?

Regulatory Flexibility Agenda entries include:

Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule, Contact Person.

E-Agenda entries include:

Title: Titles for new entries (those that have not appeared in previous agendas) are preceded by a bullet (•). The

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notation "Section 610 Review" follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 610).

Priority: Entries are placed into one of five categories described below. OMB reviews all significant rules including both of the first two categories, "economically significant" and "other significant."

Economically Significant: Under E.O. 12866, a rulemaking action that may have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or
3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (e.g., certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget under E.O. 12866, then we would classify the action as either "Economically Significant" or "Other Significant."

Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of E.O. 12866.

Also, if we believe that a rule may be "Major" as defined in the Congressional Review Act (5 U.S.C. 801, *et seq.*) because it is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in this law, we indicate this under the "Priority" heading with the statement "Major under 5 USC 801."

Legal Authority: The sections of the United States Code (USC), Public Law (PL), Executive Order (EO), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates (and citations) that documents for this action were published in the **Federal Register** and, where possible, a projected date for the next step. Projected publication dates frequently change during the course of developing an action. The projections in the agenda are our best estimates as of the date we submit the agenda for publication. For some entries, the timetable indicates that the date of the next action is "to be determined."

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether we expect the rule to have any effect on small businesses, small governments, or small nonprofit organizations.

Government Levels Affected: Indicates whether we expect the rule to have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to have

substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Unfunded Mandates: Section 202 of the Unfunded Mandates Reform Act generally requires an assessment of anticipated costs and benefits if a rule includes a mandate that may result in expenditures of more than \$100 million in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If we expect to exceed this \$100 million threshold, we note it in this section.

Energy Impacts: Indicates whether the action is a significant energy action under E.O. 13211.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and e-mail address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some of our actions, we include the Internet addresses for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (Note: To submit comments on proposals, you can go to our electronic docket, which is at www.regulations.gov. Once there, follow the online instructions to access the docket and submit comments. A docket identification (ID) number will assist in the search for materials. We include this number in the additional information section of many of the agenda entries that have already been proposed.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN stand for the EPA office with lead responsibility for developing the action.

G. How Can I Find Out About Rulemakings That Start Up After the Regulatory Agenda Is Signed?

EPA posts monthly information of new rulemakings that the Agency's senior managers have decided that we

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should develop. We also distribute this list via e-mail. You can see the current list, which we call the Action Initiation List at <http://www.epa.gov/lawsregs/search/ail.html> where you will also find information about how to get an e-mail notification when a new list is posted.

H. What Tools for Mining Regulatory Agenda Data and for Finding More About EPA Rules and Policies Are Available at [Reginfo.gov](http://www.reginfo.gov), [EPA.gov](http://www.epa.gov), and [Regulations.gov](http://www.regulations.gov)?

1. The <http://www.reginfo.gov>/ Searchable Database

The Regulatory Information Service Center and Office of Information and Regulatory Affairs have revised a Federal regulatory dashboard and continue to allow users to view the Regulatory Agenda database (<http://www.reginfo.gov/public/do/eAgendaMain>), which includes powerful search, display, and data transmission options. At that site you can:

1. *See the preamble.* At the URL listed above for the Unified Agenda and Regulatory Plan, find “Current Agenda Agency Preambles.” Environmental Protection Agency is listed alphabetically under “Other Executive Agencies.”

2. *Get a complete list of EPA’s entries in the current edition of the Agenda.* Use the drop-down menu in the “Select Agency” box to find Environmental Protection Agency and “Submit.”

3. *View the contents of all of EPA’s entries in the current edition of the Agenda.* Choose “Search” from the “Unified Agenda” selection in the toolbar at the top of the page. Within the

“Search of Agenda/Regulatory Plan” screen, open “Advanced Search,” then “Continue.” Select “Environmental Protection Agency” and “Continue.” Select “Search,” then “View All RIN Data (Max 350).”

4. *Get a listing of entries with specified characteristics.* Follow the procedure described immediately above for viewing the contents of all entries, but on the screen entitled “Advanced Search - Select Additional Fields,” choose the characteristics you are seeking before “Search.” For example, if you wish to see a listing of all economically significant actions that may have a significant economic impact on a substantial number of small businesses, you would check “Economically Significant” under “Priority” and “Business” under “Regulatory Flexibility Analysis Required.”

5. *Download the results of your searches in XML format.*

2. Subject Matter EPA Websites

Some actions listed in the Agenda include a URL that provides additional information.

3. Public Dockets

When EPA publishes either an Advanced Notice of Proposed Rulemaking (ANPRM) or a NPRM in the **Federal Register**, the Agency typically establishes a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to a particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for Regulatory

Flexibility Act section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various nonrulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act, and other non-rule activities. Docket information should be in that action’s agenda entry. All of EPA’s public dockets can be located at www.regulations.gov.

4. EPA’s Rulemaking Gateway

EPA’s Rulemaking Gateway (www.epa.gov/rulemaking/) serves as a portal to EPA’s priority rules, providing you with earlier and more frequently updated information about Agency regulations than is provided by the Regulatory Agenda.

The Rulemaking Gateway provides information as soon as work begins and provides updates on a monthly basis as new information becomes available. Time-sensitive information, such as notice of a public meeting, is updated on a daily basis. Not all of EPA’s Regulatory Agenda entries appear on the Rulemaking Gateway; only priority rulemakings can be found on the Gateway.

I. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. EPA has four rules scheduled for 610 review in 2010.

Rule Being Reviewed	RIN	Docket ID #
National Primary Drinking Water Regulations: Radionuclides (Section 610 Review)	2040-AF19	EPA-HQ-OW-2010-0166
Effluent Guidelines and Standards for the Centralized Waste Treatment Industry (Section 610 Review)	2040-AF18	EPA-HQ-OW-2010-0169
Tier II Light-Duty Vehicle and Light-Duty Truck Emission Standards and Gasoline Sulfur Standards (Section 610 Review)	2060-AQ12	EPA-HQ-OAR-2010-0052
National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring (Section 610 Review)	2040-AF24	EPA-HQ-OW-2010-0728

EPA has established official public dockets for these 610 Reviews under the docket identification (ID) numbers as indicated above. All documents in the dockets are listed on the

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.

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Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the applicable program (Water or Air) docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. The Public Reading Room 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. Unless otherwise indicated, please direct your comments to the identified docket ID number for the specific 610 Review item. For these 610 Reviews, please DO NOT submit CBI or information that is otherwise protected by statute. You may submit comments using one of the following methods:

1. *Electronically.* Go directly to www.regulations.gov and find "Advanced Docket Search." Enter the appropriate docket ID number. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. If you do submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket.

2. *By Mail.* Send your comments to: EPA Docket Center (EPA/DC),

Environmental Protection Agency, Docket # [insert applicable docket number], 1200 Pennsylvania Avenue NW., Washington, DC 20460.

3. *By Hand Delivery or Courier.* Deliver your comments, identified by the Docket # [insert applicable docket number], to: EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744. Such deliveries are only accepted during the docket center's normal hours of operation as identified above. For more information on EPA's docket center, please visit <http://www.epa.gov/epahome/dockets.htm>.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. For this action, please DO NOT submit CBI or information that is otherwise protected by statute.

J. What Other Special Attention Do We Give to the Impacts of Rules on Small Businesses, Small Governments, and Small Nonprofit Organizations?

For each of our rulemakings, we consider whether there will be any adverse impact on any small entity. We attempt to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under RFA/SBREFEA (the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act), the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFEA, please visit the RFA/SBREFEA Web site at <http://www.epa.gov/sbrefa/>.

For a list of the rules under development for which a Regulatory Flexibility Analysis will be required, go to <http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda>.

K. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: September 10, 2010
Louise Wise,
Deputy Associate Administrator, Office of Policy, Economics, and Innovation.

CLEAN AIR ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
443	Revision of New Source Performance Standards for New Residential Wood Heaters	2060-AP93

CLEAN AIR ACT—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
444	National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers (Reg Plan Seq No. 149)	2060-AM44
445	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (Reg Plan Seq No. 154)	2060-AQ25
446	Supplemental Determinations for Renewable Fuels Produced Under the Final RFS2 Program From Palm Oil	2060-AQ36

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CLEAN AIR ACT—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
447	Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Pulpwood	2060-AQ49

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

CLEAN AIR ACT—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
448	SAN No. 5367 NESHAP: Brick and Structural Clay Products and Clay Products	2060-AP69

CLEAN AIR ACT—Completed Actions

Sequence Number	Title	Regulation Identifier Number
449	Tier II Light-Duty Vehicle and Light-Duty Truck Emission Standards and Gasoline Sulfur Standards (Completion of a Section 610 Review)	2060-AQ12
450	Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Canola Oil	2060-AQ35

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
451	Pesticides; Reconsideration of Exemptions for Insect Repellents	2070-AJ45

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
452	Pesticides; Certification of Pesticide Applicators	2070-AJ20
453	Pesticides; Agricultural Worker Protection Standard Revisions	2070-AJ22

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
454	Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program (Reg Plan Seq No. 155)	2070-AJ57

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
455	Lead; Amendment to the Opt-Out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program	2070-AJ55

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CLEAN WATER ACT—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
456	Effluent Guidelines and Standards for the Centralized Waste Treatment Industry (Section 610 Review)	2040-AF18

CLEAN WATER ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
457	Stormwater Regulations Revision To Address Discharges From Developed Sites (Reg Plan Seq No. 146)	2040-AF13

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

SAFE DRINKING WATER ACT (SDWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
458	National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring (Section 610 Review)	2040-AF24

SAFE DRINKING WATER ACT (SDWA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
459	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040-AA94

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
460	National Primary Drinking Water Regulations: Radionuclides (Completion of a Section 610 Review)	2040-AF19

Environmental Protection Agency (EPA)

Proposed Rule Stage

Clean Air Act

443. REVISION OF NEW SOURCE PERFORMANCE STANDARDS FOR NEW RESIDENTIAL WOOD HEATERS

Legal Authority: CAA sec 111

Abstract: EPA is revising the New Source Performance Standards (NSPS) for residential wood heaters under the Clean Air Act section 111(b)(1)(B). This action is necessary because it updates the 1988 NSPS to reflect significant advancements in wood heater technologies and design, broaden the range of residential wood heating appliances covered by the regulation, and improve and streamline implementation procedures. This rule is expected to require manufacturers to

redesign wood heaters to be cleaner and lower emitting. In general, the design changes will also make the heaters perform better and be more efficient. The revisions are also expected to retain the requirement for manufacturers to contract for testing of model lines by third-party independent laboratories, report the results to EPA, and label the models accordingly. This action does not apply to existing residential woodstoves, pellet stoves and other residential biomass heating units.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
Final Action	07/00/12	

Regulatory Flexibility Analysis Required: Yes

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EPA—Clean Air Act

Proposed Rule Stage

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RIN: 2060-AP93

**Environmental Protection Agency (EPA)
Clean Air Act**

Final Rule Stage

444. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR AREA SOURCES: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS

Regulatory Plan: This entry is Seq. No. 149 in part II of this issue of the **Federal Register**.

RIN: 2060-AM44

445. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR MAJOR SOURCES: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS

Regulatory Plan: This entry is Seq. No. 154 in part II of this issue of the **Federal Register**.

RIN: 2060-AQ25

446. • SUPPLEMENTAL DETERMINATIONS FOR RENEWABLE FUELS PRODUCED UNDER THE FINAL RFS2 PROGRAM FROM PALM OIL

Legal Authority: Clean Air Act sec 211(o)

Abstract: As indicated in the final rule for the Renewable Fuels Standard Program, while the Agency issued lifecycle greenhouse gas (GHG) threshold determinations for the major fuel pathways projected to meet the bulk of the RFS volume mandates, assessments of other new fuel pathways such as biofuels produced from palm oil, could not be completed in time for the final rule. In the process of assessing

these fuels, the Agency is issuing determinations through several supplemental notices to the final rule. For this supplemental notice, EPA plans to publish a final determination for ethanol produced and biomass-based diesel produced from palm oil. The Agency will issue a Direct Final Notice of Supplemental Determination in early November.

Timetable:

Action	Date	FR Cite
Direct Final Action	02/00/11	

Regulatory Flexibility Analysis Required: Yes

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RIN: 2060-AQ36

447. • SUPPLEMENTAL DETERMINATION FOR RENEWABLE FUELS PRODUCED UNDER THE FINAL RFS2 PROGRAM FROM PULPWOOD

Legal Authority: Clean Air Act Section 211(o)

Abstract: As indicated in the final rule for the Renewable Fuels Standard Program, while the Agency issued lifecycle greenhouse gas (GHG) threshold determinations for the major fuel pathways projected to meet the bulk of the RFS volume mandates, assessments of other new fuel pathways such as renewable fuels from pulpwood could not be completed in time for the final rule. In the process of assessing these fuels, the Agency is issuing determinations through several supplemental notices to the final rule. For this supplemental notice, EPA plans to publish a final determination for cellulosic biofuels produced from pulpwood. The Agency will issue a Direct Final Notice of Supplemental Determination in February.

Timetable:

Action	Date	FR Cite
Direct Final Action	02/00/11	

Regulatory Flexibility Analysis Required: Yes

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RIN: 2060-AQ49

**Environmental Protection Agency (EPA)
Clean Air Act**

Long-Term Actions

448. NESHAP: BRICK AND STRUCTURAL CLAY PRODUCTS AND CLAY PRODUCTS

Legal Authority: Not Yet Determined

Abstract: This rulemaking will establish emission limits for hazardous

air pollutants (HF, HCl and metals) emitted from brick and clay ceramics kilns and glazing operations at clay ceramics production facilities. The brick and structural clay products industry primarily includes facilities that manufacture brick, clay, pipe, roof

tile, extruded floor and wall tile, and other extruded dimensional clay products from clay, shale, or a combination of the two. The manufacturing of brick and structural clay products involves mining, raw material processing (crushing, grinding,

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Long-Term Actions

and screening), mixing, forming, cutting or shaping, drying, and firing. Ceramics are defined as a class of inorganic, nonmetallic solids that are subject to high temperature in manufacture and/or use. The clay ceramics manufacturing source category includes facilities that manufacture traditional ceramics, which include ceramic tile, dinnerware, sanitaryware, pottery, and porcelain. The primary raw material used in the manufacture of these traditional ceramics is clay. The manufacturing of clay ceramics

involves raw material processing (crushing, grinding, and screening), mixing, forming, shaping, drying, glazing, and firing.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

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RIN: 2060-AP69

Environmental Protection Agency (EPA)

Completed Actions

Clean Air Act

449. TIER II LIGHT-DUTY VEHICLE AND LIGHT-DUTY TRUCK EMISSION STANDARDS AND GASOLINE SULFUR STANDARDS (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: 5 USC 610

Abstract: On February 10, 2000 (65 FR 6698), EPA promulgated a regulation to require emission standards for light-duty vehicles and light-duty trucks through lowering tailpipe emission standards. Specifically, EPA sought to reduce emissions of nitrogen oxides and non-methane hydrocarbons, pollutants which contribute to ozone pollution. The rulemaking also provided limitations on the sulfur content of gasoline available nationwide. Sulfur in gasoline has a detrimental impact on catalyst performance and could be a limiting factor in the introduction of advanced technologies on motor vehicles.

Pursuant to section 610 of the Regulatory Flexibility Act, on February 19, 2010, EPA initiated a review of this rule to determine if it should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities (75 FR 7426). EPA has solicited comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. No relevant comments were

received, and EPA has concluded that the rule needs no revisions at this time to minimize impacts on small entities. See EPA's report summarizing the results of this review in the docket EPA-HQ-OAR-2010-0052. This docket can be accessed at www.regulations.gov.

Timetable:

Action	Date	FR Cite
Final Action	02/10/00	65 FR 6698
Begin Review	02/19/10	75 FR 7426
End Comment Period	03/22/10	
End Review	06/11/10	

Regulatory Flexibility Analysis Required: No

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RIN: 2060-AQ12

450. • SUPPLEMENTAL DETERMINATION FOR RENEWABLE FUELS PRODUCED UNDER THE FINAL RFS2 PROGRAM FROM CANOLA OIL

Legal Authority: Clean Air Act sec 211(o)

Abstract: As indicated in the final rule for the Renewable Fuels Standard

Program, while the Agency issued lifecycle greenhouse gas (GHG) threshold determinations for the major fuel pathways projected to meet the bulk of the RFS volume mandates, assessments of other new fuel pathways such as biodiesel from canola could not be completed in time for the final rule. In the process of assessing these fuels, the Agency is issuing determinations through several supplemental notices to the final rule.

For this supplemental notice, EPA plans to publish a final determination for biomass-based diesel produced from canola oil. The Agency will issue a Direct Final Notice of Supplemental Determination in mid-September.

Timetable:

Action	Date	FR Cite
Direct Final Action	09/28/10	75 FR 59622
Final Action Effective	09/28/10	

Regulatory Flexibility Analysis Required: Yes

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RIN: 2060-AQ35

Environmental Protection Agency (EPA)**Proposed Rule Stage****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****451. PESTICIDES; RECONSIDERATION OF EXEMPTIONS FOR INSECT REPELLENTS**

Legal Authority: 7 USC 136a; 7 USC 136w

Abstract: EPA is developing rulemaking to modify the minimum risk pesticides exemption under 40 CFR 152.25(f) to exclude personally applied insect repellents from the exemption and require an abbreviated data set for such products. EPA is taking this action because these pesticides claim to

control pests of significant public health importance.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis

Required: Yes

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RIN: 2070-AJ45

Environmental Protection Agency (EPA)**Long-Term Actions****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****452. PESTICIDES; CERTIFICATION OF PESTICIDE APPLICATORS**

Legal Authority: 7 USC 136; 7 USC 136i; 7 USC 136w

Abstract: EPA is proposing change the federal regulations under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) that guide the certified pesticide applicator program (40 CFR 171). Change is sought to strengthen the regulations to better protect pesticide applicators and the public and the environment from harm due to pesticide exposure. The possible need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the potential need for changes to the regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis

Required: Yes

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RIN: 2070-AJ20

improvements to pesticide safety training, with improved worker safety the intended outcome. The potential need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis

Required: Yes

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RIN: 2070-AJ22

453. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

Legal Authority: 7 USC 136; 7 USC 136w

Abstract: EPA is developing a proposal under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to revise the federal regulations guiding agricultural worker protection (40 CFR 170). The changes under consideration are intended to improve agricultural workers' ability to protect themselves from potential exposure to pesticides and pesticide residues. In addition, EPA is proposing to make adjustments to improve and clarify current requirements and facilitate enforcement. Other changes sought are to establish a right-to-know Hazard Communication program and make

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Toxic Substances Control Act (TSCA)**

Final Rule Stage

**454. LEAD; CLEARANCE AND
CLEARANCE TESTING
REQUIREMENTS FOR THE
RENOVATION, REPAIR, AND
PAINTING PROGRAM**

Regulatory Plan: This entry is Seq. No. 155 in part II of this issue of the Federal Register.

RIN: 2070-AJ57

**Environmental Protection Agency (EPA)
Toxic Substances Control Act (TSCA)**

Completed Actions

**455. LEAD; AMENDMENT TO THE
OPT-OUT AND RECORDKEEPING
PROVISIONS IN THE RENOVATION,
REPAIR, AND PAINTING PROGRAM**

Legal Authority: 15 USC 2601(c); 15 USC 2682(c)(3); 15 USC 2684; 15 USC 2686; 15 USC 2687

Abstract: As part of a lawsuit settlement, EPA agreed to make several revisions to the 2008 Lead Renovation, Repair, and Painting Program (RRP) rule that established accreditation, training, certification, and recordkeeping requirements as well as work practice standards on persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities. In October of 2009, EPA proposed amendments to the opt-out provision that currently exempts a renovator from the training and work practice requirements of the rule when he or she obtains a certification from the

owner of a residence he or she occupies that no child under age 6 or pregnant women resides in the home and the home is not a child-occupied facility. EPA also proposed revisions that involve renovation firms providing the owner with a copy of the records they are currently required to maintain to demonstrate compliance with the training and work practice requirements of the RRP rule and, if different, providing the information to the occupant of the building being renovated or the operator of the child-occupied facility. In addition to the proposed amendments, EPA considered various minor amendments to the regulations concerning training provider accreditations, renovator certifications and State and Tribal program requirements. In May, 2010, EPA published a final rule eliminating the opt-out provision and finalizing the other provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/28/09	74 FR 55506
Final Action	05/06/10	75 FR 24802

**Regulatory Flexibility Analysis
Required: Yes**

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RIN: 2070-AJ55

**Environmental Protection Agency (EPA)
Clean Water Act**

Prerule Stage

**456. EFFLUENT GUIDELINES AND
STANDARDS FOR THE CENTRALIZED
WASTE TREATMENT INDUSTRY
(SECTION 610 REVIEW)**

Legal Authority: 5 USC 610

Abstract: In December 2000, EPA promulgated effluent limitations for the Centralized Waste Treatment (CWT) Point Source Category at 40 CFR 437 (65 FR 81241, December 22, 2000). A CWT facility treats or recovers hazardous or non-hazardous industrial waste, wastewater, or used material from off-site. The regulation established wastewater discharge standards for three major types of wastes: metal-bearing, oily, and organic. EPA issued a Small Entity Compliance Guide,

which provides easy-to-read descriptions of the regulations and other helpful information on how to comply such as a question and answer section.

Pursuant to section 610 of the Regulatory Flexibility Act, on April 26, 2010, EPA initiated a review of the rule to determine if it should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities (75 FR 21882). As part of this review, EPA is considering, and has solicited comments on, the following factors: (1) the continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the

complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. The comment period closed July 31, 2010. The Docket ID number is EPA-HQ-OW-2010-0169. EPA will summarize the results of this review in a report and place that report in the rulemaking docket referenced above. You can access that docket at www.regulations.gov.

EPA continues to view the effluent limitations for the CWT category as a necessary component of the

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comprehensive program to restore and maintain the quality of our Nation's waters. EPA intends to continue to require compliance with the regulation. Until and unless the Agency modifies the rule, the discharges described in 40 CFR 437.1 remain subject to the final rules.

Timetable:

Action	Date	FR Cite
Final Action	12/22/00	65 FR 81241
Begin Review	04/26/10	75 FR 21882
End Comment Period	07/31/10	75 FR 21882
End Review	12/00/10	

Regulatory Flexibility Analysis Required: No

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RIN: 2040-AF18

**Environmental Protection Agency (EPA)
Clean Water Act****Proposed Rule Stage****457. STORMWATER REGULATIONS
REVISION TO ADDRESS
DISCHARGES FROM DEVELOPED
SITES**

Regulatory Plan: This entry is Seq. No. 146 in part II of this issue of the Federal Register.

RIN: 2040-AF13

**Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)****Prerule Stage****458. • NATIONAL PRIMARY DRINKING
WATER REGULATIONS; ARSENIC
AND CLARIFICATIONS TO
COMPLIANCE AND NEW SOURCE
CONTAMINANTS MONITORING
(SECTION 610 REVIEW)**

Legal Authority: 5 USC 610

Abstract: On January 22, 2001, EPA revised the Maximum Contaminant Level (MCL) for arsenic to 0.010 mg/L (10.0 µg/L). This regulation applies to non-transient non-community water systems and to community water systems (66 FR 6976). While EPA has taken steps to evaluate and mitigate impacts on small entities as part of the promulgation of the Arsenic Rule, this new entry in the regulatory agenda announces that EPA will review the National Primary Drinking Water Rule (NPDWR) for arsenic pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). As part of this

review, EPA will consider and solicit comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. Comments must be received within 60 days of this notice. In submitting comments, please reference Docket ID EPA-HQ-OW-2010-0728 and follow the instructions provided in the preamble to this issue of the Regulatory Agenda. This docket can be accessed at www.regulations.gov.

Timetable:

Action	Date	FR Cite
Final Rule	01/22/01	66 FR 6976

Action	Date	FR Cite
Initiate 610 Review	12/00/10	
End Comment Period	01/00/11	
Completion of 610 Review	10/00/11	

Regulatory Flexibility Analysis Required: No

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RIN: 2040-AF24

**Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)****Long-Term Actions****459. NATIONAL PRIMARY DRINKING
WATER REGULATIONS: RADON**

Legal Authority: 42 USC 300f, et seq

Abstract: In 1999, EPA proposed regulations for radon which provide

flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for

either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under

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Long-Term Actions

the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM original	07/18/91	56 FR 33050

Action	Date	FR Cite
Notice99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

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RIN: 2040-AA94

Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)

Completed Actions

460. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADIONUCLIDES (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: 5 USC 610

Abstract: On December 7, 2000 (65 FR 76708), EPA promulgated final revised and/or new national primary drinking water regulations (NPDWRs) for nonradon radionuclides as authorized by the Safe Drinking Water Act (SDWA). In this action, referred to as the Radionuclides Rule, EPA promulgated maximum contaminant level goals (MCLGs), maximum contaminant levels (MCLs), monitoring, reporting, and public notification requirements for gross alpha particle activity, combined radium-226 and 228, beta particle and photon activity and uranium. The Radionuclides Rule became effective on December 8, 2003.

Pursuant to section 610 of the Regulatory Flexibility Act, EPA has reviewed this rule to determine if it should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities. This review was announced in the Regulatory Agenda on April 26, 2010 (75 FR 21883). As part of this review, EPA considered, and solicited comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

EPA received five comment letters. The results of EPA's review have been summarized in a report and placed in the rulemaking docket (docket number EPA-HQ-OW-2010- 0166 at www.regulations.gov). These results are briefly summarized here.

There was consensus among the commenters about the continued need for the Radionuclides Rule, because it serves as an important tool to protect the health of people who get their drinking water from public systems using sources of water with high levels of radionuclides.

While none of the commenters expressed a need to rescind the rule, most of the comments were aimed at suggesting that the Agency make clarifications in certain areas of the rule to aid small entities in its rule compliance.

After reviewing all the comments regarding this Section 610 review the Agency has concluded that revisions or amendments to the Radionuclides rule are not warranted at this time. However, EPA is evaluating the need to provide additional guidance and clarification on those issues raised by the commenters to assist in the rule implementation.

The Agency bases its decision to not revise or amend the rule at this time on the analysis conducted during the promulgation of the rule which were aimed at reducing economic burden on small entities. Among the measures that the Agency took to minimize impacts on small entities are: (1) The selection of a less stringent MCL for uranium, (2) a reduction in the overall monitoring frequencies for systems with radionuclides levels less than the MCL, (3) allowance of grandfathered data and State monitoring discretion for

determining the initial monitoring baseline, and (4) the exclusion of nontransient, non-community water systems from the radionuclides regulations.

EPA will continue to evaluate the effectiveness of the Radionuclides rule and the potential to decrease the rule's implementation burden within the framework provided by the SDWA and other agency initiatives.

EPA continues to view the NPDWRs for radionuclides as important to ensure and protect the health of consumers served by public drinking water systems and intends to continue to require compliance with these NPDWRs.

Timetable:

Action	Date	FR Cite
Final Action	12/07/00	65 FR 76708
Begin Review	04/26/10	75 FR 21883
End Comment Period	07/26/10	
End Review	09/10/10	

Regulatory Flexibility Analysis Required: No

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RIN: 2040-AF19

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