



# Federal Register

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**Monday,  
April 26, 2010**

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**Part XIV**

**Environmental  
Protection Agency**

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**Semiannual Regulatory Agenda**

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Ch. I**

**[FRL-9134-3]**

**EPA-HQ-OA-2007-1172**

**EPA-HQ-OW-2010-0169**

**EPA-HQ-OW-2010-0166**

**EPA-HQ-OAR-2010-0052**

**Spring 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](http://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 used to be published in the **Federal Register** but which now are 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. This continues to be published in the **Federal Register** because of a

requirement of the 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 portal to EPA’s priority rules with earlier and more concise 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](mailto:schwartz.philip@epa.gov); 202-564-6564) or Caryn Muellerleile ([muellerleile.caryn@epa.gov](mailto:muellerleile.caryn@epa.gov); 202-564-2855).

**TO BE PLACED ON AN AGENDA MAILING LIST:** 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](mailto: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](http://www.epa.gov/lawsregs/search/ail.html#notification) and completing the five steps listed there. You may also track progress on EPA’s priority rulemakings by visiting the Rulemaking Gateway ([www.epa.gov/rulemaking/](http://www.epa.gov/rulemaking/)) or signing up for RSS feeds at <http://yosemite.epa.gov/oepi/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](mailto:nscep@bps-lmit.com) and put “Regulatory Agenda Hard Copy” in the subject line.

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**A. Map of Regulatory Agenda Information**

Type of Information	Online Locations	Federal Register Location
Semiannual Regulatory Agenda	<a href="http://www.reginfo.gov/">www.reginfo.gov/</a> , <a href="http://www.regulations.gov/">www.regulations.gov/</a> , and <a href="http://www.epa.gov/lawsregs/search/regagenda.html">http://www.epa.gov/lawsregs/search/regagenda.html</a>	Not in FR
Semiannual Regulatory Flexibility Agenda	<a href="http://www.reginfo.gov/">www.reginfo.gov/</a> , <a href="http://www.regulations.gov/">www.regulations.gov/</a> , and <a href="http://www.epa.gov/lawsregs/search/regagenda.html">http://www.epa.gov/lawsregs/search/regagenda.html</a>	Part XII of today’s issue

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Type of Information	Online Locations	Federal Register Location
Monthly Action Initiation List	<a href="http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&amp;d=EPA-HQ-OA-2008-0265">http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&amp;d=EPA-HQ-OA-2008-0265</a> and <a href="http://www.epa.gov/lawsregs/search/ail.html">http://www.epa.gov/lawsregs/search/ail.html</a>	Not in FR
Rulemaking Gateway	<a href="http://www.epa.gov/rulemaking/">www.epa.gov/rulemaking/</a>	Not in FR

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

In outlining her agenda for the environment, Administrator Jackson has outlined seven themes to focus the work of EPA. These key goals shape everything we do.

#### Taking Action on Climate Change:

Last year saw historic progress in the fight against climate change, with a range of greenhouse gas (GHG) reduction initiatives. We are continuing this critical effort and ensuring compliance with the law. We continue to support the President and Congress in enacting clean energy and climate legislation. Using the Clean Air Act, we will finalize our mobile source rules and provide a framework for continued improvements in that sector. EPA is building on the success of ENERGY STAR to expand cost-saving energy conservation and efficiency programs. Additionally, we continue to develop common-sense solutions for reducing GHG emissions from large stationary sources like power plants. EPA recognizes that climate change will affect other parts of its core mission, such as protecting air and water quality, and includes those considerations in our future plans.

**Improving Air Quality:** American communities face serious health and environmental challenges from air pollution. There are already proposed stronger ambient air quality standards for ozone, which will help millions of Americans breathe more easily and live more healthy lives. Building on that, EPA will develop a comprehensive strategy for a cleaner and more efficient power sector, with strong but achievable emission reduction goals for SO<sub>2</sub>, NO<sub>x</sub>, mercury, and other air toxics. We will strengthen our ambient air quality standards for pollutants such as PM, SO<sub>2</sub>, and NO<sub>2</sub>, and will achieve additional reductions in air toxics from

a range of industrial facilities. Improved monitoring, permitting, and enforcement will be critical building blocks for air quality improvement.

#### Assuring the Safety of Chemicals:

One of EPA's highest priorities is to make significant progress in assuring the safety of chemicals in our products, our environment, and our bodies. Last year, Administrator Jackson announced principles for modernizing the Toxic Substances Control Act. Separately, we are shifting EPA's focus to address high-concern chemicals and filling data gaps on widely produced chemicals in commerce. EPA has released the first-ever chemical management plans for five groups of substances, and more plans are underway. Using our streamlined Integrated Risk Information System, we will continue strong progress toward rigorous, peer-reviewed health assessments on dioxins, arsenic, formaldehyde, TCE, and other substances of concern.

**Cleaning Up Our Communities:** EPA has made strong cleanup progress by accelerating our Superfund program and confronting significant local environmental challenges like the asbestos public health emergency in Libby, Montana, and the coal ash spill in Kingston, Tennessee. Using all the tools at our disposal, including enforcement and compliance efforts, we will continue to focus on making communities safer and healthier. EPA is maximizing the potential of the brownfields program to spur environmental cleanup and job creation, particularly in disadvantaged communities. We are also developing enhanced strategies for risk reduction in our Superfund program and developing stronger partnerships with stakeholders affected by our cleanups.

#### Protecting America's Waters:

America's waterbodies are imperiled as never before. Water quality and enforcement programs face complex challenges, from nutrient loadings and

stormwater runoff to invasive species and drinking water contaminants. These challenges demand both traditional and innovative strategies. EPA continues its work on comprehensive watershed protection programs for the Chesapeake Bay and Great Lakes. We have initiated measures to address post-construction runoff, water quality impairment from surface mining, and stronger drinking water protection. Recovery Act funding is expanding construction of water infrastructure, and we are working with states to develop nutrient limits.

#### Expanding the Conversation on Environmentalism and Working for Environmental Justice:

We have begun a new era of outreach and protection for communities historically underrepresented in EPA decisionmaking. EPA seeks strong working relationships with tribes, communities of color, economically distressed cities and towns, young people, and others. It is our goal to include environmental justice principles in all of our decisions. The protection of vulnerable subpopulations is a top priority, especially with regard to children.

#### Building Strong State and Tribal Partnerships:

States and tribal nations bear important responsibilities for the day-to-day mission of environmental protection, but declining tax revenues and fiscal challenges are pressuring State agencies and tribal governments to do more with fewer resources. Strong partnerships and accountability are more important than ever. EPA supports State and tribal capacity and, through strengthened oversight, is working to ensure that programs are consistently delivered nationwide. Where appropriate, we use our expertise and capacity to bolster State and tribal efforts.

EPA's strength has always been our ability to adapt to the constantly changing face of environmental protection as our economy and society

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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 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).

Information on submitting comments to the rulemaking docket is provided in each of our Notices of Proposed Rulemaking (NPRMs), and we always accept comments through the [www.regulations.gov](http://www.regulations.gov) electronic docket. 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](http://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 minor amendments or 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 three rules for 610 review in spring 2010.

### E. How Is the E-Agenda Organized?

You can now choose how both the [www.reginfo.gov](http://www.reginfo.gov) and [www.regulations.gov](http://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), significant 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 April 2011.
5. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the fall 2009 agenda. 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

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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 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.

*SAN Number:* An identification number that EPA uses to track rulemakings and other actions under development.

*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](http://www.regulations.gov). Once there, follow the online instructions to access

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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 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 "Agenda/Regulatory Plan Search" in the top right corner. Within the "Agenda/Regulatory Plan Search" 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 Web sites**

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](http://www.regulations.gov).

**4. EPA's Rulemaking Gateway**

EPA's newly released online Rulemaking Gateway ([www.epa.gov/rulemaking/](http://www.epa.gov/rulemaking/)) serves as a portal to EPA's priority rules, providing you with earlier and more concise information about Agency regulations. It also allows users to search for EPA rules that relate to specific interests, including impacts on small business; children's health; environmental justice; and State, local, and tribal government. 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 public meetings, 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. You may access a definition of "priority rulemakings" here:

<http://yosemite.epa.gov/opei/RuleGate.nsf/content/about.html?opendocument>

**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 three rules scheduled for 610 review in spring 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

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Rule Being Reviewed	RIN	Docket ID
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

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](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 [www.regulations.gov](http://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](http://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 and for a list of rules under development that may affect small entities, but not significantly affect a substantial number of them, 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 solving 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:** February 25, 2010.

**Louise Wise,**

*Deputy Associate Administrator, Office of Policy, Economics, and Innovation.*

## EPA

## CLEAN AIR ACT—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
264	SAN No. 5432 Tier II Light-Duty Vehicle and Light-Duty Truck Emission Standards and Gasoline Sulfur Standards <b>(Section 610 Review)</b> .....	2060-AQ12

## CLEAN AIR ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
265	SAN No. 4884 National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers .....	2060-AM44
266	National Emission Standards for Hazardous Air Pollutants for Major Source Industrial, Commercial, and Institutional Boilers and Process Heaters .....	2060-AQ25

## CLEAN AIR ACT—Completed Actions

Sequence Number	Title	Regulation Identifier Number
267	SAN No. 5250 Renewable Fuels Standard Program .....	2060-AO81

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

Sequence Number	Title	Regulation Identifier Number
268	SAN No. 5007 Pesticides; Competency Standards for Occupational Users .....	2070-AJ20
269	SAN No. 5006 Pesticides; Agricultural Worker Protection Standard Revisions .....	2070-AJ22

## TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
270	SAN No. 5380 Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program .....	2070-AJ57

## TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
271	SAN No. 5379 Lead; Amendment to the Opt-Out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program .....	2070-AJ55

## CLEAN WATER ACT—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
272	SAN No. 5444 Effluent Guidelines and Standards for the Centralized Waste Treatment Industry <b>(Section 610 Review)</b> .....	2040-AF18

**EPA**

**SAFE DRINKING WATER ACT (SDWA)—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
273	SAN No. 5445 National Primary Drinking Water Regulations: Radionuclides ( <b>Section 610 Review</b> ) .....	2040-AF19

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

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

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

**Prerule Stage**

**264. • TIER II LIGHT-DUTY VEHICLE AND LIGHT-DUTY TRUCK EMISSION STANDARDS AND GASOLINE SULFUR STANDARDS (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). 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 results of EPA's review will be summarized in a report and placed in the docket EPA-HQ-OAR-2010-0052. This docket can be accessed at [www.regulations.gov](http://www.regulations.gov).

**Timetable:**

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

**Regulatory Flexibility Analysis Required: No**

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**RIN:** 2060-AQ12

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

**Proposed Rule Stage**

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

**Legal Authority:** Clean Air Act sec 112

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112 mandates that EPA develop standards for hazardous air pollutants (HAP) for

both major and area sources listed under section 112(c). This regulatory action will develop emission standards for boilers located at area sources. Section 112(k) requires development of standards for area sources, which account for 90 percent of the emissions in urban areas of the 30 urban (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either MACT

or generally available control technology (GACT). The Integrated Air Toxics Strategy lists industrial boilers and commercial/institutional boilers as area source categories for regulation pursuant to Section 112(c). Industrial boilers and institutional/commercial boilers are on the list of section 112(c)(6) source categories. In this rulemaking, EPA will develop standards for these source categories.

EPA—Clean Air Act

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 2060-AM44

**266. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR MAJOR SOURCE INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS**

**Legal Authority:** Clean Air Act sec 112

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112 mandates that EPA develop standards for hazardous air pollutants (HAP) for both major and area sources listed under section 112(c). This regulatory action will develop emission standards for boilers and process heaters located at major sources. Section 112(d)(2) requires that emission standards for major sources be based on the maximum achievable control technology (MACT). Industrial boilers and institutional/commercial boilers are on the list of section 112(c)(6) source categories. In this rulemaking, EPA will

develop standards for these source categories.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 2060-AQ25

Environmental Protection Agency (EPA)

Completed Actions

Clean Air Act

**267. RENEWABLE FUELS STANDARD PROGRAM**

**Legal Authority:** Clean Air Act sec 211(o)

**Abstract:** This rulemaking will implement provisions in title II of the 2007 Energy Independence and Security Act (EISA) that amend section 211(o) of the Clean Air Act. The amendments revise the National Renewable Fuels Standard Program in the United States, increasing the national requirement to a total of 36 billion gallons of total renewable fuel in 2022. Application of the new standards now apply to diesel fuel producers in addition to gasoline producers and to nonroad fuels in addition to highway fuels. The new requirements also establish new renewable fuel categories and specific

volume standards for cellulosic and advanced renewable fuels, biomass based diesel and total renewable fuels. Further, the amendments establish new eligibility requirements for meeting the renewable fuel standards including application of a specific definition for biomass, restrictions on what land feedstocks can come from and establish minimum lifecycle greenhouse gas reduction thresholds for the various categories of renewable fuels.

**Timetable:**

Action	Date	FR Cite
NPRM	05/26/09	74 FR 24903
NPRM Comment Period Extended	07/07/09	74 FR 32091
NPRM Comment Period End	07/27/09	

Action	Date	FR Cite
NPRM Comment Period Extended To	09/25/09	
Final Action	03/26/10	75 FR 14670

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 2060-AO81

**Environmental Protection Agency (EPA)****Long-Term Actions****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****268. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS**

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

**Abstract:** The EPA is proposing to 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	07/00/11	

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 2070-AJ20

**269. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS**

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

**Abstract:** The 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 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	07/00/11	

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 2070-AJ22

**Environmental Protection Agency (EPA)****Proposed Rule Stage****Toxic Substances Control Act (TSCA)****270. LEAD; CLEARANCE AND CLEARANCE TESTING REQUIREMENTS FOR 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:** EPA intends to propose 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 for persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities. Current requirements include training

renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. EPA is particularly concerned about dust lead hazards generated by renovations because children, especially younger children, are at risk for high exposures of lead-based paint dust via hand-to-mouth exposure. For this particular action, EPA will consider whether to establish additional requirements to ensure that renovation work areas are adequately cleaned after renovation work is finished and before the areas are re-

occupied. These additional requirements may include dust wipe testing after renovations and ensuring that renovation work areas meet clearance standards before re-occupancy.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	07/00/11	

**Regulatory Flexibility Analysis Required: Yes**

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## EPA—Toxic Substances Control Act (TSCA)

Proposed Rule Stage

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RIN: 2070-AJ57

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

Final Rule Stage

**271. 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 propose  
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 2008, 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.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/09	74 FR 55506

Action	Date	FR Cite
NPRM Comment Period End	11/27/09	
Final Action	04/00/10	

**Regulatory Flexibility Analysis  
Required: Yes**

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RIN: 2070-AJ55

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

Prerule Stage

**272. • 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.

EPA announces this new action,  
pursuant to Section 610 of the  
Regulatory Flexibility Act, to initiate 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. As part of this review,  
EPA will consider, and solicits  
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. Comments must be received by 90

days from this publication. In  
submitting comments, please reference  
Docket ID number EPA-HQ-OW-2010-  
0169, and follow the instructions  
provided in an earlier section of the  
preamble to this issue of the Regulatory  
Agenda. 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](http://www.regulations.gov).

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

## EPA—Clean Water Act

Prerule Stage

**Timetable:**

Action	Date	FR Cite
Final Rule	12/22/00	65 FR 81241
Begin Review	04/00/10	
End Comment Period	07/00/10	
End Review	12/00/10	

**Regulatory Flexibility Analysis Required:** No

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**RIN:** 2040-AF18

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

Prerule Stage

**273. • NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADIONUCLIDES (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 non-radon radionuclides as authorized by the Safe Drinking Water Act. 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. EPA developed a Final Regulatory Flexibility Analysis for the Radionuclides Rule and took several steps to lessen the impacts on small entities (i.e., small systems). These steps included: (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 non-transient, non-community water systems from the radionuclides regulations. EPA continues to view the NPDWRs for radionuclides as important components to ensuring and protecting the health of consumers served by public drinking water systems and intends to continue to require compliance with these NPDWRs.

While EPA has taken steps to evaluate and mitigate impacts on small entities as part of the promulgation of the Radionuclides Rule, this new entry in the regulatory agenda announces that EPA will review the NPDWRs for radionuclides 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 90 days of this notice. In submitting comments, please reference Docket ID EPA-HQ-OW-2010-0166 and follow the instructions provided in the preamble to this issue of the Regulatory Agenda. This docket can be accessed at [www.regulations.gov](http://www.regulations.gov).

**Timetable:**

Action	Date	FR Cite
Final Rule	12/07/00	65 FR 76708
Begin Review	04/00/10	
End Comment Period	07/00/10	
End Review	12/00/10	

**Regulatory Flexibility Analysis Required:** No

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**RIN:** 2040-AF19

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

Long-Term Actions

**274. 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 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
Notice99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
NPRM Comment Period End	01/03/00	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** Yes

**EPA—Safe Drinking Water Act (SDWA)****Long-Term Actions**

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**RIN:** 2040-AA94

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