



Federal Register

**Monday,
December 7, 2009**

Part XIII

**Environmental
Protection Agency**

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-8950-1]

EPA-HQ-OA-2007-1172

EPA-HQ-OW-2009-0082

Fall 2009 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory agenda and semiannual regulatory flexibility 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 on rulemakings that, until May 2007, was published in the **Federal Register**, but which now is only available through an online database.

The Regulatory Plan provides more detailed information than the regulatory agenda on the most important significant rulemakings that we will be developing over the coming years.

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

“Unified 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 introduces both EPA’s e-agenda and regulatory flexibility agenda.

“Regulatory Flexibility Agenda” refers to a document that contains a limited amount of information (less than is in the e-agenda) about regulations that may have a significant impact on a substantial number of small entities. The Regulatory Flexibility Act of 1980 requires that we publish the Regulatory Flexibility Agenda in the **Federal Register**.

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: Caryn Muellerleile (muellerleile.caryn@epa.gov; 202-564-2855) or Phil Schwartz (schwartz.philip@epa.gov; 202-564-6564).

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 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 five steps listed there.

If you would like to receive a hard copy of the semiannual agenda about 2 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.

SUPPLEMENTARY INFORMATION:

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A. Map of Regulatory Agenda Information

Type of Information	Online Locations	Federal Register Location
Semiannual Regulatory Agenda (The e-Agenda; the online Agenda)	www.reginfo.gov/ , www.regulations.gov/ , and http://www.epa.gov/lawsregs/search/regagenda.html	Not in FR
The Regulatory Plan	www.reginfo.gov/ , www.regulations.gov/ , and http://www.epa.gov/lawsregs/search/regagenda.html	Part II 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

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Type of Information	Online Locations	Federal Register Location
Semiannual Regulatory Flexibility Agenda	www.regulations.gov , and http://www.epa.gov/lawsregs/search/regagenda.html	Part XII of today's issue

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

For a detailed discussion of the goals and values we aspire to in rulemaking please see our Statement of Regulatory Priorities at http://www.reginfo.gov/public/jsp/eAgenda/StaticContent/200910/Statement_2000.html and published in part II of today's issue of the **Federal Register**.

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 e-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.

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 that are likely to have a significant economic impact on a substantial number of small entities, and
- Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act. We have one rule concluding review in 2009.

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), significant studies or analyses of the possible need for regulatory action, announcement of

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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 preregulatory 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 2010.
5. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2009 agenda. It also includes actions that we are 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 our Regulatory Flexibility Act section 610 reviews in this section of the agenda.

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

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 U.S.C. 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.

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Agency Contact: The name, address, phone number, and e-mail address 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. 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.

Regulatory Flexibility Agenda entries contain a **Federal Register** sequence number and a subset of the information in the e-Agenda:

RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule, Contact Person's name, mailing address and phone number.

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

EPA posts monthly updates of the rulemakings that the Agency's senior managers have decided that we should work on. 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 [Reginfo.gov](http://www.reginfo.gov) Searchable Database

GSA's Regulatory Information Service Center, which coordinates publication of the Agenda for the Office of Management and Budget, has developed and continues to improve a regulatory agenda database that includes powerful search, display, and data transmission options. You can:

- See the preamble. On the Main Agenda Page, select Current Agenda Agency Preambles.
- Get a complete list of EPA's entries. On the Main Agenda Page, under Agency, select Environmental Protection Agency.
- View the contents of all of EPA's entries. On the Agenda Search Page, select "Advanced Search"; select Continue; Select Environmental Protection Agency and then Continue; Select "Search."
- 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 headed "Advanced Search-Select Additional Fields" select the characteristics you are seeking before clicking on "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 check Business under Regulatory Flexibility Analysis required.
- Download the results of your searches in XML format.

2. Subject Matter EPA Web sites

Some of the actions listed in the agenda include a URL that provides additional information on the rulemaking.

3. Public Dockets

When EPA publishes either an Advanced Notice of Proposed Rulemaking (ANPRM) or a NPRM in the **Federal Register**, the Agency may establish 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. If there is a docket on a particular action, information about the location will be in that action's agenda entry. URL's for many of EPA's dockets are included in the agenda entry. To enter the docket, copy the URL into a browser window. To locate a docket you can also use the docket search features at [regulations.gov](http://www.regulations.gov).

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 completed one Section 610 review in 2009.

EPA concluded that there is a continued need for this rule.

Rule Being Reviewed	RIN	Docket ID
Revisions to the Underground Injection Control (UIC) Requirements for Class V Wells (Section 610 Review)	2040-AF04	EPA-HQ-OW-2009-0082

EPA

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 underdevelopment 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, please use the advanced search function at

<http://www.reginfo.gov/public/do/eAgendaAdvancedSearch>.

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: September 9, 2009.

Louise Wise,
Deputy Associate Administrator, Office of Policy, Economics and Innovation.

CLEAN AIR ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
430	SAN No. 4884. Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources (Reg Plan Seq No. 135)	2060-AM44

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

CLEAN AIR ACT—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
431	SAN No. 5250. Renewable Fuels Standard Program (Reg Plan Seq No. 148)	2060-AO81

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

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

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

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
434	SAN No. 5379 Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program (Reg Plan Seq No. 152)	2070-AJ55

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

EPA

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

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

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
436	SAN No. 5332 Revisions to the Underground Injection Control (UIC) Requirements for Class V Wells (Completion of a Section 610 Review)	2040-AF04

Environmental Protection Agency (EPA) Proposed Rule Stage
Clean Air Act

430. COMBINED RULEMAKING FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS AT MAJOR SOURCES OF HAP AND INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AT AREA SOURCES

Regulatory Plan: This entry is Seq. No. 135 in part II of this issue of the **Federal Register**.
RIN: 2060-AM44

Environmental Protection Agency (EPA) Final Rule Stage
Clean Air Act

431. RENEWABLE FUELS STANDARD PROGRAM

Regulatory Plan: This entry is Seq. No. 148 in part II of this issue of the **Federal Register**.
RIN: 2060-AO81

Environmental Protection Agency (EPA) Long-Term Actions
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

432. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS

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

Abstract: The EPA is proposing change to federal regulations guiding 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	01/00/11	

Regulatory Flexibility Analysis Required: Yes

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Long-Term Actions

Agency Contact: Kathy Davis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
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 Fax: 703 308-2962
 Email: pont.richard@epa.gov
RIN: 2070-AJ20

433. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

Legal Authority: 7 USC 136; 7 USC 136w

Abstract: The EPA is developing a proposal to revise the Federal

regulations guiding agricultural worker protection (40 CFR part 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	01/00/11	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kathy Davis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
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RIN: 2070-AJ22

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

Final Rule Stage

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

Regulatory Plan: This entry is Seq. No. 152 in part II of this issue of the Federal Register.

RIN: 2070-AJ55

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

Long-Term Actions

435. 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 Notice99	07/18/91	56 FR 33050
NPRM	02/26/99	64 FR 9560
NPRM Comment	11/02/99	64 FR 59246
Period End	01/03/00	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Rebeccak Allen, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
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RIN: 2040-AA94

Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)
Completed Actions
436. REVISIONS TO THE UNDERGROUND INJECTION CONTROL (UIC) REQUIREMENTS FOR CLASS V WELLS (COMPLETION OF A SECTION 610 REVIEW)

Legal Authority: 5 USC 610

Abstract: Class V wells are regulated under the authority of part C of the Safe Drinking Water Act (SDWA). The SDWA is designed to protect the quality of drinking water in the United States, and part C specifically mandates the regulation of underground injection of fluids through wells. The Agency has promulgated a series of underground injection control (UIC) regulations under this authority. Most Class V wells are authorized by rule as long as (1) they do not endanger underground sources of drinking water (USDWs), and (2) the well owners or operators submit basic inventory and assessment information. If a Class V well may endanger USDWs, UIC Program Directors can require the owner/operator to apply for a permit, order preventive actions (including closure of the well) to prevent the violation, require remediation to assure USDWs are protected, or take enforcement action.

On December 7, 1999, EPA finalized additional requirements for motor vehicle waste disposal wells and large capacity cesspools, to embrace priorities and help achieve goals defined under the 1996 Amendments to the SDWA, and to fulfill the first

phase of the Agency's requirements under the 1997 consent decree with the Sierra Club. The 1999 Rule established requirements for two categories of Class V injection wells determined by EPA to be a source of endangerment to drinking water. Specifically, the rule covers: (1) Existing motor vehicle waste disposal wells located in ground water protection areas or other sensitive ground water areas; and, (2) new and existing large-capacity cesspools and new motor vehicle waste disposal wells nationwide. The conclusion that these Class V wells pose an endangerment to USDWs is based on substantial information and the combined professional judgment of EPA and State geologists and engineers that are responsible for implementing the Class V UIC program.

This entry in the regulatory agenda announced that while EPA had taken steps in the 1999 Rulemaking process to evaluate and mitigate impacts on small entities, pursuant to section 610 of the Regulatory Flexibility Act, EPA would review the Class V Rule. As part of the 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 the

technology, economic conditions or other factors have changed in the area affected by the rule. Based on the evaluation of the Class V Rule during promulgation and comment received, EPA believes there is a continued need for the Class V Rule. EPA assumes that the regulatory impact of two endangering well types on small business is not significant because the Agency believes most of these well types have been either closed or permitted.

Timetable:

Action	Date	FR Cite
Final Action	12/07/99	64 FR 68546
Begin Review	05/11/09	74 FR 21991
End Comment Period	08/11/09	
End Review	09/02/09	

Regulatory Flexibility Analysis Required: No

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