Federal Register

Monday,
December 10, 2007

Part XIV

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL 8450-9]

EPA-HQ-OA-2007-0658

Fall 2007 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 (and also at www.regulations.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to be published in the **Federal Register**, but which now will only be available through an online database and will not be published in the **Federal Register**.

''Regulatory Plan'' refers to the document published in part 2 of the **Federal Register** that addresses the core of the Administration's regulatory priorities that will be issued in the coming fiscal year.

''Regulatory Flexibility Agenda'' refers to a document about regulations with a significant impact on a substantial number of small entities that will continue to be published in the **Federal Register** because of a requirement of the Regulatory Flexibility Act.

''FR Regulatory Agenda'' refers to both of the documents that will continue to be published in the **Federal Register**, The Regulatory Plan and the Regulatory Flexibility Agenda.

''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. In the future there may be a separate, short introduction to the Regulatory Flexibility Agenda and a longer introduction for the E-Agenda.

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); if you have general questions about the regulatory plan contact Caryn Muellerleile; if you have general questions about the Regulatory Flexibility Agenda, contact Joan Rogers (rogers.joanb@epa.gov; 202-564-6568). If you have questions about the E-Agenda Suggestion Docket, contact Phil Schwartz. If you have questions about EPA's Action Development Process you may contact Caryn, Joan, or Phil.

IMPROVING THE E-AGENDA, THE E-AGENDA SUGGESTION DOCKET: We have created a place for submitting, reviewing and commenting on ideas for how we can improve the usefulness of the EPA E-Agenda Web site. The E-Agenda Suggestion Docket, ID No. EPA-HQ-OA-2007-0658, is available online at www.regulations.gov. See Unit H, below, for details about the Suggestion Docket.

TO BE PLACED ON THE 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 receive a hard copy of the semiannual agenda about 2 to 3 months after publication, please 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. There is no charge for a single copy of the agenda.

SUPPLEMENTARY INFORMATION:

Table of Contents

A. Map of Regulatory Agenda Information

Part of Agenda	Online locations	Federal Register Location
Semiannual Regulatory Agenda (The E-Agenda; the on-line Agenda); 336 entries which includes the Regulatory Plan and the expanded Regulatory Flexibility Agenda (4 entries; 25 data fields/entry)	www.reginfo.gov/, www.regulations.gov and www.epa.gov/opei/orpm.html	Not in FR
Annual Regulatory Plan (30 entries)	www.reginfo.gov/, www.regulations.gov and www.epa.gov/opei/orpm.html	Part 2 of today's issue
Semiannual Regulatory Flexibility Agenda (4 entries; 9 data fields/entry)	www.reginfo.gov/, www.regulations.gov and www.epa.gov/opei/orpm.html	Part 14 of today's issue

EPA

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

Our primary objective is to protect human health and the environment. One way we achieve this objective is through the development of regulations. In the United States, Congress passes laws and authorizes certain Government agencies, including EPA, to create and enforce regulations. EPA regulations cover a range of environmental and public health protection issues from setting standards for clean water, to establishing requirements for proper handling of toxic wastes, to controlling air pollution from industry and other sources.

To ensure that our regulatory decisions are scientifically sound, cost-effective, fair, and effective in achieving environmental goals, we conduct high quality scientific, economic, and policy analyses. These analyses are planned and initiated at early stages in the regulatory development process, so that Agency decisionmakers are well informed of the qualitative and quantitative benefits and costs as they select among alternative approaches. It is also important that we continue to apply new and improved methods to protect the environment, such as: Building flexibility into regulations from the very beginning, creating strong partnerships with the regulated community, vigorously engaging in public outreach and involvement, and using effective nonregulatory approaches. We seek collaborative solutions to shared challenges. Research, testing, and adoption of new environmental protection methods are also a central tenet in environmental problem solving. The integration of all of these elements via a well-managed regulatory development process and a strong commitment to innovative solutions will ensure that we all benefit from significant environmental improvements that are fair, efficient, and protective. Our overall success is measured by our effectiveness in protecting human health and the environment. For a more expansive discussion of our regulatory philosophy and priorities, please see the Statement of Priorities in the FY 2008 regulatory plan (http://epa.gov/opei/orpm.html#agenda).

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; 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 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

EPA

- Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act. EPA, however, has no rules scheduled for section 610 review until 2008, so there are no 610 reviews included in this Regulatory Flexibility Agenda.

E. How Are Regulatory Plan and Regulatory Flexibility Agenda Organized?

The Regulatory Plan is organized according to the current stage of development. The stages are:

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 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.

The Plan also may include a very limited number of extremely important actions which will be published after October 2008.

We have organized the Regulatory Flexibility Agenda as follows:

First, into divisions based on the law that would authorize a particular action. A ''General'' division which includes crosscutting actions, such as rules authorized by multiple statutes and general acquisition rules precedes the media statutes (Clean Air Act (CAA), Clean Water Act (CWA), etc.)

Second, by the current stage of development. The stages are:

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 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 2008.
5. Completed Actions-This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2007 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 Regulatory Flexibility Agenda, the E-Agenda, and the Regulatory Plan?

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 U.S.C. 801.''

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (P.L.), Executive Order (E.O.), 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.

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. 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 Regulatory 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 Plan entries include all categories of information included in E-Agenda entries, plus:

Sequence Number, Statement of Need, Summary of Legal Basis, Alternatives, Anticipated Costs and Benefits, and Risks.

G. What Tools for Finding More About EPA Rules and Policies Are Available at EPA.gov, Regulations.gov, and Reginfo.gov?

1. 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 impacts on a substantial number of small entities and various non-rulemaking 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. All of EPA's electronic dockets are housed at www.regulations.gov.

2. Subject Matter EPA Web sites

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

3. Regulatory Agenda Web sites

If you have access to the Internet, you can use the E-Agenda databases and their accompanying search engines at www.reginfo.gov/public/do/eAgendaMain or www.regulations.gov/. If you have any thoughts or suggestions about the new E-Agenda, please submit them to the E-Agenda Suggestion Docket discussed in unit H, below.

4. Agenda Indexes

The first five indexes (610 Reviews, Regulatory Flexibility Act analysis Required, Small Entity Impact but Regulatory Flexibility Act analysis not Required, Affect on Government Levels, and Federalism Implications) that used to be published along with the Agenda will no longer appear in the **Federal Register** but each can be created by using the E-Agenda search function at http://www.reginfo.gov/public/do/eAgendaSearch. There is a Subject Matter Index, based on the Federal Register Thesaurus of Indexing Terms, in the online E-agenda at http://www.reginfo.gov/public/do/eAgendaMain.

5. Listservers

If you want to get automatic e-mails about areas of particular interest, we maintain 12 listservers including:

a. Air
b. Water
c. Wastes and emergency response
d. Pesticides
e. Toxic substances

EPA

f. Right-to-know and toxic release inventory
g. Environmental impacts
h. Endangered species
i. Meetings
j. The Science Advisory Board
k. Daily full-text notices with page numbers, and
l. General information.

For more information and to subscribe via our FR Web site, visit: www.epa.gov/fedrgstr/subscribe.htm. If you have e-mail without full Internet access, please send an e-mail to envsubset@epa.gov to request instructions for subscribing to the EPA **Federal Register** listservers.

H. How Can You Help Shape the Development of EPA's New E-Agenda Information Tool: Using the E-Agenda Suggestion Docket?

Transitioning to using the Internet as the primary means for conveying Agenda information will open a number of possibilities for providing timelier service and higher quality information. EPA had two reasons for supporting the initiative to make the Internet the primary means for distributing Agenda information: saving money and improving service. By improving service we mean giving you the types of information and organizing and delivering it within our budget constraints in the way that would be most useful and convenient for you.

We're experimenting with an online E-Agenda suggestion docket as a way to involve you in the ongoing process to improve our effectiveness in getting information on rulemakings to the public and to improve public participation in the rulemaking process.

DATES: The suggestion docket will remain open for at least six months, but we encourage you to submit your comments as soon as possible.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OA-2007-0658, by one of the following methods:

- www.regulations.gov: Follow the online instructions for submitting comments.
- Email: Oei.docket@epa.gov
- Fax: 202-566-9744
- Mail: OA Docket, USEPA, Mailcode: 2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460
- EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460

INSTRUCTIONS: Direct your suggestions to Docket ID No. EPA-HQ-OA-2007-0658. EPA's policy is that all suggestions received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the suggestion includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at E-Agenda Suggestion Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. 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, and the telephone number for the E-Agenda Suggestion Docket is (202)-566-1752.

I. What 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/SBREFA (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/SBREFA, please visit the RFA/SBREFA Web site at http://www.epa.gov/sbrefa/. See Index B at the end of the agenda, ''Index to Environmental Protection Agency Entries for which a Regulatory Flexibility Analysis Is Required'' for a list of these rules. See Index C for a list of the rules that may affect small entities, but which we do not expect will have a significant economic impact on a substantial number of them.

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 (SISNOSE). We have no section 610 reviews planned until 2008.

J. 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 proven tool for solving the environmental problems we face and the regulatory agenda is an important part of that process.

Dated: September 14, 2007.

Louise P. Wise,

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

CLEAN AIR ACT (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
439	SAN No. 4882 Control of Emissions From Nonroad Spark-Ignition Engines and Equipment **(Reg Plan Seq No. 147)**	2060–AM34

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

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
440	SAN No. 3557 Lead-Based Paint; Amendments for Renovation, Repair and Painting **(Reg Plan Seq No. 152)**	2070–AC83

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

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

Sequence Number	Title	Regulation Identifier Number
441	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040–AA94
442	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues	2040–AD94

Environmental Protection Agency (EPA) **Final Rule Stage**

Clean Air Act (CAA)

439. CONTROL OF EMISSIONS FROM NONROAD SPARK–IGNITION ENGINES AND EQUIPMENT

Regulatory Plan: This entry is Seq. No. 147 in part II of this issue of the **Federal Register**.

RIN: 2060–AM34

Environmental Protection Agency (EPA) **Final Rule Stage**

Toxic Substances Control Act (TSCA)

440. LEAD–BASED PAINT; AMENDMENTS FOR RENOVATION, REPAIR AND PAINTING

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

RIN: 2070–AC83

Environmental Protection Agency (EPA) **Long-Term Actions**

Safe Drinking Water Act (SDWA)

441. 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
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

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

442. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND CONSIDERATION OF DISTRIBUTION SYSTEM ISSUES

Legal Authority: 42 USC 300f et seq

Abstract: EPA is revising the Total Coliform Rule (TCR), which was published in 1989. On July 18, 2003, EPA published a Federal Register (68 FR 42907) Notice of Intent to revise the TCR. EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR while improving system efficiency. A Federal Advisory Committee recommended that EPA, as part of the TCR 6-year review process, ''initiate a process for addressing cross-connection control and backflow prevention requirements and consider additional distribution system requirements related to significant health risks.'' The original TCR, promulgated in 1989, protects human health by requiring microbial monitoring in drinking water distribution systems. The TCR does not include distribution system corrective or protective requirements to reduce contamination from coliforms and other contaminants. Since then, EPA has gained a better understanding of distribution system impacts on human health and, therefore, intends to strengthen the TCR and to consider how to address distribution system contamination issues. The process to do so involves a performance evaluation, development of issue papers on both distribution systems and total coliform, stakeholders meetings, and proposed and final rules. EPA has also convened a Federal Advisory Committee to address the TCR revisions and to consider distribution system issues.

Timetable:

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

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kenneth Rotert, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
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RIN: 2040–AD94

[FR Doc. 07–04839 Filed 12–07–07; 8:45 am]

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