

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 9**

[FRL-7803-6]

OMB Approvals Under the Paperwork Reduction Act; Final Rule**AGENCY:** Environmental Protection Agency.**ACTION:** Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for the Public Water System Supervision Program (PWSS) ICR, OMB Control No. 2040-0090; the Microbial Rules ICR, OMB Control No. 2040-0205; and the Disinfectants/Disinfection Byproducts, Chemical, and Radionuclides (DBP/Chem/Rads) s ICR, OMB Control No. 2040-0204. The restructuring by the Environmental Protection Agency's Office of Ground Water and Drinking Water of its existing drinking water program Information Collection Requests (ICR) has resulted in the consolidation of rules and activities into three main drinking water program ICRs.

DATES: This amendment is effective August 20, 2004.

FOR FURTHER INFORMATION CONTACT: Richard Naylor at 202-564-3847.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. The amendment updates the table to list those information collection requirements which have been moved due to the restructure and consolidation of the Office of Ground Water and Drinking Water ICRs. An announcement that the PWSS ICR, OMB Control No. 2040-0090; the Microbial ICR, OMB Control No. 2040-0205; and the DBP/Chem/Rads ICR, OMB Control No. 2040-0204 had been forwarded to the Office of Management and Budget (OMB) for review and approval appeared in the Federal Register on October 5, 2001 (66 FR 51031-51035). In addition, EPA is adding entries for the Public Notification rule and for previous omissions that have not been included in the Part 9 table. The affected regulations are codified at 40 CFR parts 141 and 142. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's

regulations, and in each Code of Federal Regulations (CFR) volume containing EPA regulations. The table lists CFR citations with reporting, recordkeeping, or other information collection requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

These ICRs were previously subject to public notice and comment prior to OMB approval. Because the ICRs have already been subject to public notice and comment and because of the ministerial nature of the table, EPA finds that further notice and comment is unnecessary. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), to amend this table without prior notice and comment. For the same reasons, EPA believes that there is "good cause" to make this rule effective upon publication under section 553(d)(3) of the APA.

I. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not require prior consultation with State, local, and Tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045

because it does not establish an environmental standard intended to mitigate health or safety risks.

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of August 20, 2004. EPA has submitted reports containing these rules and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: August 13, 2004.

Michael Shapiro,

Acting Assistant Administrator, Office of Water.

■ For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

■ 2. Amend the Table in § 9.1 as follows:

■ a. Under the heading "National Primary Drinking Water Regulations" remove entries "141.80-141.91" and "141.153-141.154" and add in numerical order entries "141.31(d)", "141.80-141.91" and "141.153-141.154".

■ b. Under the heading "National Primary Drinking Water Regulations

Implementation” add in numerical order entries “142.14(e)-(g)” and “142.16(a)”.

§ 9.1 OMB approvals under the Paperwork Reduction Act.

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40 CFR citation	OMB control No.
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National Primary Drinking Water Regulations	
141.31(d)	2040-0090
141.80-141.91	2040-0204
141.153-141.154	2040-0090
National Primary Drinking Water Regulations Implementation	
142.14(e)-(g)	2040-0090
142.16(a)	2040-0090

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-2004-0200; FRL-7673-6]

DCPA; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of DCPA, dimethyl tetrachloroterephthalate, and its metabolites in or on basil, dried leaves; basil, fresh leaves; celery; chicory, roots; chicory, tops; chive; coriander, leaves; dill; ginseng; marjoram; parsley, leaves; parsley, dried leaves; radicchio and radish, oriental. Interregional Research Project Number 4 (IR-4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

DATES: This regulation is effective August 20, 2004. Objections and requests for hearings must be received on or before October 19, 2004.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** EPA has established a docket for this action under Docket identification (ID) number OPP-2004-0200. All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, i.e., 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 in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number:

(703) 305-6224; e-mail address: miller.joanne@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System