

determined that this activity is consistent with activities identified in B4, Categorical Exclusions Applicable to Specific Agency Actions (see 10 CFR part 1021 appendix B to subpart D, part B4). A copy of the categorical exclusion determination is available on WAPA's website at: [www.wapa.gov/regions/CRSP/rates/Pages/rate-order-205.aspx](http://www.wapa.gov/regions/CRSP/rates/Pages/rate-order-205.aspx).

#### Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

#### Signing Authority

This document of the Department of Energy was signed on October 28, 2022, by Tracey A. LeBeau, Administrator, Western Area Power Administration, pursuant to delegated authority from the Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on November 7, 2022.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2022-24571 Filed 11-9-22; 8:45 am]

**BILLING CODE 6450-01-P**

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-R08-SFUND-2022-0881; FRL-10392-01-R8]

#### Amendment to Prospective Purchaser Agreement, Anaconda Smelter Superfund Site, Anaconda, Deer Lodge County, Montana

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed agreement; request for public comment.

**SUMMARY:** Notice is hereby given by the U.S. Environmental Protection Agency (EPA), Region 8, of a proposed

implementing NEPA (40 CFR parts 1500-1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021).

amendment to a prospective purchaser agreement originally agreed to in 1994. The 1994 agreement, with the Montana Department of Environmental Quality on behalf of the State of Montana (the "State"), Anaconda-Deer Lodge County, and the Old Works Golf Course Authority, Inc., ("Purchasers"), provided liability protection to the Purchasers in return for the implementation of certain institutional controls such as the Development Permit System, a county zoning system that regulates development in the county, and restrictive covenants limiting the use of certain properties affected by contamination, and also provided for the operation and maintenance of the Old Works Golf Course. The amended agreement, entitled Amendment to Agreement and Covenant Not to Sue, provides for the implementation of updated institutional controls, including an updated Development Permit System and modified restrictive covenants. Other work under the amended agreement includes updated operations and maintenance plans for the Old Works Golf Course, the Residential Attic Abatement Implementation Plan that provides for cleaning of attics, the Interior/Exterior Dust Program that provides for cleanup of contaminated dusts, and the Community Protective Measures Plan, an information program.

**DATES:** Comments must be submitted on or before December 12, 2022.

**ADDRESSES:** The proposed agreement and additional background information relating to the agreement will be available upon request. To reduce the risk of COVID-19 transmission, for this action we do not plan to offer hard copy review of the docket. Comments and requests for a copy of the proposed agreement should be addressed to Anntasia Copeland, Enforcement Specialist, Superfund and Emergency Management Division, Environmental Protection Agency—Region 8, Mail Code 8SEM-PAC, 1595 Wynkoop Street, Denver, Colorado 80202, telephone number: (303) 312-6343, email address: [copeland.anntasia@epa.gov](mailto:copeland.anntasia@epa.gov) and should reference the Anaconda Smelter Superfund Site. You may also send comments, identified by Docket ID No. EPA-R08-SFUND-2022-0881 to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

#### FOR FURTHER INFORMATION CONTACT:

Andy Lensink, Assistant Regional Counsel, Office of Regional Counsel, Environmental Protection Agency, Region 8, Mail Code 8 ORC-LEC, 1595 Wynkoop, Denver, Colorado 80202,

telephone number: (303) 312-6908, email address: [lensink.andy@epa.gov](mailto:lensink.andy@epa.gov).

**SUPPLEMENTARY INFORMATION:** For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the agreement. The Agency will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations that indicate that the agreement is inappropriate, improper, or inadequate.

**Betsy Smidinger,**

*Division Director, Superfund and Emergency Management Division, Region 8.*

[FR Doc. 2022-24489 Filed 11-9-22; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-RCRA-2022-0802; 10223-01-R1]

#### Lead-Based Paint Renovation, Repair and Painting Activities in Target Housing and Child-Occupied Facilities; State of Vermont; Notice of Self-Certification Program Authorization

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This document announces that on October 1, 2022, the State of Vermont was deemed authorized under section 404(a) of the Toxic Substances Control Act (TSCA) to administer and enforce requirements for the lead-based paint pre-renovation education and renovation, repair and painting (RRP) program. This document also announces that the Environmental Protection Agency (EPA) is seeking comment during a 45-day public comment period, and it is providing an opportunity to request a public hearing within the first 15 days of this comment period on whether Vermont's program is at least as protective as the federal program and provides for adequate enforcement. This document also announces that the authorization of the Vermont pre-renovation education and renovation, repair and painting program, which was deemed authorized by regulation and statute, will continue without further notice unless the EPA, based on its own review and/or comments received during the comment period, disapproves the Vermont program application.

**DATES:** Comments must be received on or before December 27, 2022. In addition, a public hearing request must be submitted on or before November 25, 2022.

**ADDRESSES:** You may submit comments, identified by Docket ID No. EPA–R01–RCRA–2022–0802, at <https://www.regulations.gov/>. Follow the online instructions for submitting comments. Once submitted, comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Amanda Triebwasser, RCRA Corrective Action and TSCA Section; Land, Chemicals, and Redevelopment Division; U.S. EPA Region 1, 5 Post Office Square, Suite 100 (Mail code 07–WI), Boston, MA 02109–3912; telephone number: 617–918–1758; email address: [triebwasser.amanda@epa.gov](mailto:triebwasser.amanda@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation**

*A. Written Comments*

Submit your comments, identified by Docket ID No. EPA–R01–RCRA–2022–0802 at [https://www.regulations.gov](https://www.regulations.gov/). Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

**II. General Information**

*A. What action is the agency taking?*

The EPA is announcing that the State of Vermont was deemed authorized

under section 404(a) of TSCA, 15 United States Code (U.S.C.) 2684(a) and 40 CFR 745.324(d)(2), to administer and enforce requirements for an RRP program in accordance with section 402(c)(3) of TSCA, 15 U.S.C. 2682(c)(3) on October 1, 2022. The 402(c)(3) program ensures that training providers are accredited to teach renovation classes, that individuals performing renovation activities are properly trained and certified as renovators, that firms are certified as renovation firms, and that specific work practices are followed during renovation activities. Vermont submitted an application under section 404 of TSCA requesting authorization to administer and enforce requirements for an RRP program in accordance with section 402(c)(3) of TSCA. Vermont’s application included self-certification that the program is at least as protective of human health and the environment as the federal program and provides for adequate enforcement. Therefore, pursuant to section 404(a) of TSCA and 40 CFR 745.324(d)(2), the Vermont RRP program is deemed authorized as of the date of submission and until such time as the agency disapproves the program application or withdraws program authorization. Pursuant to section 404(b) of TSCA and 40 CFR 745.324(e)(2), the EPA is providing notice, opportunity for public comment and opportunity for a public hearing on whether the state program application and subsequent administrative rule changes are at least as protective as the federal program and provide for adequate enforcement. If a hearing is requested and granted, the EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing.

*B. What is EPA’s authority in taking this action?*

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102–550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That act amended TSCA (15 U.S.C. 2601–2695d) by adding Title IV (15 U.S.C. 2681–2692), entitled “Lead Exposure Reduction.” On April 22, 2008, the EPA promulgated the final TSCA section 402(c)(3) regulations governing renovation activities (73 FR 21692). These regulations require that in order to do renovation activities for compensation, renovators must first be properly trained and certified, must be associated with a certified renovation

firm, and must follow specific work practice standards, including recordkeeping requirements. The EPA believes that regulation of renovation activities will help to reduce the exposures that cause serious lead poisonings, especially in children under age 6 who are particularly susceptible to the hazards of lead.

Under section 404 of TSCA, a state may seek authorization from the EPA to administer and enforce its own RRP program in lieu of the federal program. The regulation governing the authorization of a state program under section 402 of TSCA are codified at 40 CFR part 745, subpart Q. States that choose to apply for program authorization must submit a complete application to the appropriate regional EPA office for review. Those applications will be reviewed by the EPA within 180 days of receipt of the complete application. To receive EPA approval, a state must demonstrate that its program is at least as protective of human health and the environment as the federal program, and provides for adequate enforcement, as required by section 404(b) of TSCA. EPA’s regulations at 40 CFR part 745, subpart Q provide the detailed requirements a state program must meet in order to obtain EPA approval.

A state may choose to certify that its own RRP program meets the requirements for EPA approval, by submitting a letter signed by the Governor or Attorney General stating that the program is at least as protective of human health and the environment as the federal program and provides for adequate enforcement. Upon submission of such a certification letter, the program is deemed authorized pursuant to TSCA section 404(a) and 40 CFR 745.324(d)(2). This authorization is withdrawn, however, if the EPA disapproves the application or withdraws the program authorization.

*C. Does this action apply to me?*

This action is directed to the public in general, to entities offering Lead Safe Renovation courses, and to firms and individuals engaged in renovation and remodeling activities of pre-1978 housing and child-occupied facilities in the State of Vermont. Individuals and firms falling under the North American Industrial Classification System (NAICS) codes in the table below may be affected by these rules.

NAICS code	Description
236118 .....	Residential Remodelers.

NAICS code	Description
238210 .....	Electrical Contractors and Other Wiring Installation Contractors.
238310 .....	Drywall and Insulation Contractors.
238220 .....	Plumbing, Heating, and Air-Conditioning Contractors.
238320 .....	Painting and Wall Covering Contractors.
531110 .....	Lessors of Residential Buildings and Dwellings.
531311 .....	Residential Property Managers.

This table 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 notice could also be affected. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

**III. State Program Description Summary**

*A. Vermont Program Summary*

Components of the Vermont RRPm Program

The Vermont program is based on the Vermont Regulations for Lead Control (VRLC) pursuant to the authority conferred Chapter 38 of the Vermont Statutes Annotated. Chapter 38 was amended in 2018 to provide the Vermont Department of Health with the authority to develop a program to administer and enforce the lead-based paint activities and renovation, repair, painting and maintenance (RRPM) activities. The VRLC, first promulgated in 2000 and last amended in 2021, provide the framework for RRPm-RRP activities.

Activities and Buildings Covered

The VRLC cover RRPm activities in pre-1978 child-occupied facilities and target housing in Vermont, except zero-bedroom dwellings or dwellings reserved for the exclusive use of elderly or disabled, unless a child under six years of age resides or is expected to reside there.

Unless the area of paint disturbed is less than 1 square foot of interior paint per room and less than 20 square feet of exterior paint, or 1 square foot or less of exterior paint for rental target housing and child-care facilities, and unless the work does not involve window replacement or demolition of painted surface areas, property owners are required to hire a licensed RRPm Firm that uses licensed RRPm Supervisors to conduct RRPm activities.

Childcare operators can perform RRPm activities on their own childcare facilities if they have completed the RRPm Supervisor training and have been granted certification as an

Uncompensated Childcare Operator by the Department of Health. Certification as an Uncompensated Childcare Operator has the same requirements as a Licensed Lead-Safe RRPm Firm, although Uncompensated Childcare Operators cannot provide RRPm activities for hire, and cannot provide on-the-job training or supervise RRPm activities.

Certification and Licensing Requirements

Entities can be licensed by the Vermont Department of Health as a Lead-Safe RRPm Firm by applying on the forms provided by the Department, assuring that at least one employee is a Licensed Lead-Safe RRPm Supervisor, and identifying whether they have previously had any lead-related enforcement actions taken against them.

Individuals can apply to the Department of Health for a Lead-Safe RRPm Supervisor license after successfully completing an 8-hour training from a Vermont-accredited training provider or a training provider accredited by EPA or an EPA RRP authorized state, provided the individual received the Vermont-specific training module and examination.

To be certified by the Department of Health, an Uncompensated Childcare Operator must successfully complete the same training as the Licensed Lead-Safe RRPm Supervisor. The difference between the Lead-Safe RRPm Supervisor license and the Uncompensated Childcare Operator certification is that the Certified Uncompensated Childcare Operator does not pay a fee and is issued a certificate rather than a license.

Training Course Accreditation Requirements

To obtain accreditation for a lead-based paint training course, including the RRPm Supervisor course, training providers are required to submit detailed information to the Vermont Department of Health, including information about curriculum, teaching methods, equipment, and instructors. Vermont RRPm training requirements include: all work practices required by the EPA to safely handle lead-based

paint (plus Vermont-specific elements); a mandatory hands-on component; and a closed-book examination, except for online refresher training courses. The Department will conduct an on-site observation and evaluation of the training course and contents, its instructors, equipment, and facilities or will review a representative video of the course for evaluation to ensure the course meets State criteria. Vermont's statutory authority allows for the revocation, modification or suspension of any permit issued by the Department, including an accreditation.

Information Distribution Requirements

Vermont requires the Lead-Safe RRPm Firm or Certified Uncompensated Childcare Operator to distribute the Renovate Right pamphlet with a Vermont specific addendum to the owner and occupants of the property being renovated, repaired or painted, and parents or guardians of children in childcare facilities, no more than 60 days before RRPm activities are scheduled to be conducted.

For RRPm activities affecting common areas in target housing or in child occupied facilities, informational signs that describe the general nature and locations of the RRPm activities and the anticipated completion date may be posted rather than provided in writing to affected occupants or parents/guardians. For work in common areas of target housing if the firm notified those affected in writing, the RRPm Firm or Certified Uncompensated Childcare Operator must provide a written notice to all owners and occupants if the scope and timeframe of the RRPm activities change.

Work Practice Standards

RRPM work practice standards are found at VLRC 7.3. All RRPm activities shall be performed by a licensed lead-safe RRPm firm and supervised by a licensed lead-safe RRPm supervisor or by a certified uncompensated child-care operator. Once the RRPm activities begin, the Licensed Lead-Safe RRPm Supervisor or Certified Uncompensated Childcare Operator is responsible for ensuring that the site is secured and proper signage is posted to prevent exposure to occupants, contamination of

their belongings and dispersion of lead dust into other areas. Containment generally includes closing windows, sealing doors and ducts, covering floors/ carpets and covering furniture left in the room. The RRP Firm is required to have a Licensed Lead-Safe RRP Supervisor on site at all times when RRP work is underway. Once RRP activities are complete, proper disposal of waste and a thorough cleaning of the area is required. Following cleaning, the Licensed Lead-Safe RRP Supervisor or Certified Uncompensated Childcare operator is responsible for conducting a visual clearance and cleaning verification. Certain dangerous work practices found at VLRC 5.1.2 are also prohibited.

#### Record Keeping Requirements

RRP recordkeeping requirements are found at VLRC 7.4. All licensed Lead-Safe RRP firms must retain records related to RRP activities for a period of six years. Examples of records that shall be retained include: lead inspection reports, proof of pre-renovation education distribution, documentation of compliance with RRP work practice activities, on-the-job training, and post renovation cleaning verification. If requested, the licensed RRP firm or Uncompensated Child Care Operator must make all records documenting compliance available to the Department.

The Vermont PRE and RRP Programs meet or exceed all EPA program elements for protecting the public. Areas where Vermont's RRP program will exceed EPA Requirements for protecting the public:

- The RRP Firm is required to have a Licensed Lead-Safe RRP Supervisor on site the entire time RRP activities are being conducted.
- Vermont's definition of RRP-regulated building spaces includes all spaces generally accessible to residents/users/occupants/guests including, but not limited to, hallways, stairways, porches, laundry and recreational rooms, playgrounds, community centers, boundary fences, basements, and sheds. This is more restrictive than the EPA definition.
- Vermont's threshold for what constitutes a minor RRP activity on the interior (1 square foot per room) is lower than EPA's (6 square feet per room). Further, Vermont lowers the exterior minor RRP activity threshold for childcare facilities and rental target housing to 1 square foot, as opposed to EPA's 20 square feet.
- Vermont does not allow for the use of test kits to determine lead-free status, but rather requires a licensed lead-based

paint risk assessor to determine the presence of lead-based paint.

#### IV. Federal Overfiling

Section 404(b) of TSCA makes it unlawful for any person to violate or fail or refuse to comply with any requirement of an approved state program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized state program.

#### V. Withdrawal of Authorization

Pursuant to section 404(c) of TSCA, the EPA Administrator may withdraw authorization of a State or Indian Tribal renovation, repair and painting program, and/or a lead-based paint pre-renovation education program, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations, and other requirements established under the authorization. The procedures U.S. EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

**David Cash,**

*Regional Administrator, U.S. EPA Region 1.*  
[FR Doc. 2022-24541 Filed 11-9-22; 8:45 am]

**BILLING CODE 6560-50-P**

### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2022-0843; FRL-10363-01-OCSP]

#### Science Advisory Committee on Chemicals (SACC); Request for Nominations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) invites the public to nominate scientific experts from a diverse range of disciplines to be considered for appointment to the Science Advisory Committee on Chemicals (SACC), established pursuant to the Toxic Substances Control Act (TSCA). EPA anticipates appointing new SACC members by mid-2023 due to expiring membership terms. Sources in addition to this **Federal Register** notice may be utilized to solicit nominations and identify candidates. Any interested person or organization may nominate qualified individuals to be considered prospective candidates to the committee by following the instructions provided

in this document. Individuals may also self-nominate.

**DATES:** Nominations must be received on or before December 12, 2022.

**ADDRESSES:** Submit your nominations, identified by the docket identification (ID) number EPA-HQ-OPPT-2022-0843, through the *Federal e-Rulemaking Portal* at <https://www.regulations.gov>. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. More information about the dockets is available at <https://www.epa.gov/dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Tamue L. Gibson, MS, Designated Federal Officer (DFO) and Acting Executive Secretary, telephone number: (202) 564-7642; email address: [gibson.tamue@epa.gov](mailto:gibson.tamue@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those involved in the manufacture, processing, distribution, disposal, and/or those interested in the assessment of risks involving chemical substances and mixtures. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. What should I consider as I prepare my nominations for EPA?

###### 1. Submitting CBI.

Do not submit CBI information to EPA through [regulations.gov](https://www.regulations.gov) or email. If your nomination contains any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your nomination. Information properly marked as CBI will not be disclosed except in accordance with the procedures set forth in *40 CFR part 2*.

###### 2. Request for nominations.

As part of a broader process for developing a pool of candidates for membership to the SACC, the EPA Peer Review and Ethics Branch (PREB) staff solicits the public and stakeholder communities for nominations of prospective candidates. Any interested person or organization may nominate qualified individuals to be considered