

safety that might disproportionately affect children.

#### *Indian Tribal Governments*

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### *Energy Effects*

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### *Technical Standards*

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### *Environment*

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have made a preliminary determination

that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a special local regulation. Based on our preliminary determination, there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded. Because this event establishes a special local regulation, paragraph (34)(h) of figure 2-1 of the Instruction applies. Thus, no further environmental documentation is required. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### **List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

#### **PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

2. Add a new temporary § 100.35T08-0518 to read as follows:

#### **§ 100.35T08-0518 Safety Zone; Sabine River, Orange, TX.**

(a) *Definitions.* As used in this section “Participant Vessel” means all vessels registered with event officials to race or work in the event. These vessels include race boats, rescue boats, tow boats, and picket boats associated with the race.

(b) *Location.* The following area is a safety zone: all waters of the Sabine River, shoreline to shoreline, adjacent to the Naval Reserve Unit and the Orange public boat ramps located in Orange, TX. The northern boundary is from the end of Navy Pier One at 30°05'45" N/ 093°43'24" W then easterly to the rivers eastern shore. The southern boundary is a line shoreline to shoreline at latitude 30°05'33" N.

(c) *Effective Period.* This regulation is effective from 8 a.m. on September 25, 2010, to 6 p.m. on September 26, 2010. This regulation will be enforced daily from 8 a.m. until 6 p.m. on September 25 and 26, 2010.

#### (d) *Regulations.*

(1) In accordance with the general regulations in § 100.35 of this part, entry into this zone is prohibited to all vessels except participant vessels and those

vessels specifically authorized by the Captain of the Port, Port Arthur or a designated representative.

(2) Persons or vessels requiring entry into or passage through must request permission from the Captain of the Port, Port Arthur, or a designated representative. They may be contacted on VHF Channel 13 or 16, or by telephone at (409) 723-6500.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port, Port Arthur, designated representatives and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: June 3, 2010.

**J.J. Plunkett,**

*Captain, U.S. Coast Guard, Captain of the Port, Port Arthur.*

[FR Doc. 2010-17115 Filed 7-14-10; 8:45 am]

**BILLING CODE 9110-04-P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Parts 257, 261, 264, 265, 268, 271 and 302**

[EPA-HQ-RCRA-2009-0640; FRL-9175-4]

**RIN 2050-AE81**

#### **Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities**

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

**ACTION:** Announcement of public hearings.

**SUMMARY:** On June 21, 2010, EPA proposed to regulate the disposal of coal combustion residuals generated from the combustion of coal at electric utilities and by independent power producers. Given the significant public interest in this proposed rule and to further public participation opportunities, EPA is announcing five public hearings to be held in cities across the United States. The hearings will provide the public with an opportunity to present data, views or arguments concerning the proposed rule. The public hearings will take place in Arlington, Virginia; Denver, Colorado; Dallas, Texas; Charlotte, North Carolina; and Chicago, Illinois.

**DATES:** A public hearing will be conducted in Arlington, Virginia, on August 30, 2010; Denver, Colorado, on

September 2, 2010; Dallas, Texas, on September 8, 2010; Charlotte, North Carolina, on September 14, 2010; and Chicago, Illinois, on September 16, 2010. Persons who wish to present oral testimony at one or more of the public hearings must preregister at least three business days prior to the hearing. The last day to preregister will be August 25, 2010, for the Arlington, Virginia, public hearing; August 30, 2010, for the Denver, Colorado, public hearing; September 2, 2010, for the Dallas, Texas, public hearing; September 9, 2010, for the Charlotte, North Carolina, public hearing; and September 13, 2010, for the Chicago, Illinois, public hearing. The preregistration cut-off time is 5 p.m. Eastern Daylight Time (EDT) on the final day of preregistration for the five public hearings. See **SUPPLEMENTARY INFORMATION** for information on how to register.

**ADDRESSES:** The public hearings will be held at the following locations:

Arlington, VA—August 30, 2010, Hyatt Regency, 2799 Jefferson Davis Highway, Arlington, VA 22202, Phone: (703) 418-1234, <http://www.crystalcity.hyatt.com>.  
 Denver, CO—September 2, 2010, Grand Hyatt, 1750 Welton Street, Denver, CO 80202, Phone: (303) 295-1234, <http://www.granddenver.hyatt.com>.  
 Dallas, TX—September 8, 2010, Hyatt Regency Dallas, 300 Reunion Boulevard, Dallas, TX 75207, Phone: (214) 651-1234, <http://www.dallasregency.hyatt.com>.  
 Charlotte, NC—September 14, 2010, Holiday Inn Charlotte (Airport), 2707 Little Rock Road, Charlotte, NC 28214, Phone: (704) 394-4301, <http://www.hicharlotteairport.com>.  
 Chicago, IL—September 16, 2010, Hilton Chicago, 720 South Michigan Avenue, Chicago, IL 60605, Phone: (312) 922-4400, [http://www.chicagohilton.com/hotels\\_hiltonchicago.aspx](http://www.chicagohilton.com/hotels_hiltonchicago.aspx).

For additional details on the public hearings please see **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** If you have questions concerning the public hearing, please contact Bonnie Robinson, Office of Resource Conservation and Recovery, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Mailcode 5304P, Washington, DC 20460; telephone number (703) 308-8429; e-mail address: [robinson.bonnie@epa.gov](mailto:robinson.bonnie@epa.gov) or Elaine Eby, Office of Resource Conservation and Recovery, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Mailcode

5304P, Washington, DC 20460; telephone number (703) 308-8449; e-mail address [eby.elaine@epa.gov](mailto:eby.elaine@epa.gov). Questions concerning the proposed rule should be addressed to. Alexander Livnat, Office of Resource Conservation and Recovery, U.S. Environmental Protection Agency, 5304P; 1200 Pennsylvania Ave., NW., Washington DC 20460, telephone number: (703) 308-7251, e-mail address: [livnat.alexander@epa.gov](mailto:livnat.alexander@epa.gov), or Steve Souders, Office of Resource Conservation and Recovery, U.S. Environmental Protection Agency, 5304P; 1200 Pennsylvania Ave., NW., Washington DC 20460, telephone number: (703) 308-8431, e-mail address: [souders.steve@epa.gov](mailto:souders.steve@epa.gov).

**SUPPLEMENTARY INFORMATION:** The proposed rule was published in the **Federal Register** on June 21, 2010 (75 FR 35128). Additional information on the proposed rule can be found at <http://www.epa.gov/coalashrule>. (Note: The Agency will shortly be publishing in the **Federal Register** several administrative corrections that are needed to the June 21, 2010 print publication of the proposed rule. An unofficial pre-publication version of the corrected proposed rule and a summary of the administrative corrections made to the rule is available at <http://www.epa.gov/coalashrule> in the meantime.)

On June 21, 2010, EPA proposed to establish regulatory requirements applicable to the disposal of coal combustion residuals, commonly known as coal ash, generated from the combustion of coal at electric utilities and by independent power producers. These regulations were proposed under the authority of sections 1008(a), 2002(a), 3001, 3004, 3005, and 4004 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6907(a), 6912(a), 6921, 6924, 6925 and 6944. These statutes, combined, are commonly referred to as "RCRA." Several of these statutory provisions require that EPA offer the public an "opportunity for a hearing" as part of the process for adopting a final requirement. See, e.g., 42 U.S.C. 6907(a), 6921(b)(1)(C)(3)(C).

To date, EPA has received a submission requesting multiple hearings on the proposed rule, and given the significant public interest in this rule, EPA is announcing five public hearings to be held in cities across the United States. The public hearings will provide interested parties the opportunity to present data, views, or arguments

concerning the proposed rule. EPA may ask clarifying questions during the oral presentations, but will not respond formally to any comments or the presentations made.

Each public hearing will consist of three sessions, a morning session starting at 10 a.m. (local time) and ending at noon, an afternoon session starting at 1 p.m., and ending at 5 p.m., and an evening session beginning at 6:30 and ending at 9 p.m. or later, if necessary, depending on the number of speakers that preregister for the hearing.

If you would like to present oral testimony at the hearing, please preregister at the following Web site: <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/ccr-rule/ccr-form.htm>. If you would like to present oral testimony and are unable to

preregister at this Web site, please contact either Bonnie Robinson or Elaine Eby at the addresses given above under **FOR FURTHER INFORMATION CONTACT** prior to the close of the preregistration period. Note that you only need to preregister if you wish to present oral testimony. That is, you do not have to preregister in order to observe the public hearing or to submit only a written statement (see below).

The Agency encourages, however, all persons planning to attend one or more of the public hearings to preregister for it, which will facilitate the planning of the event. As noted above, preregistration closes at 5 p.m. EDT three business days prior to each public hearing. If you do not preregister by the deadline and wish to provide oral testimony, EPA may allow, if time permits, some or all unregistered persons to present oral testimony at the public hearing. EPA will consider such requests on a first-come, first-served basis on the day of the public hearing, according to the time available.

If you wish to submit only a written statement at the public hearing (that is, you do not want to present oral testimony), EPA officials will accept such written statements at the morning, afternoon, and evening sessions. EPA will place such statements in the docket to the rulemaking and will consider your statement as part of the rulemaking record. You do not need to preregister for the hearing if you wish only to submit a written statement; however, as previously stated, preregistration is encouraged.

Oral testimony will be limited to 3 minutes for each person to address the proposed rule. We will not be providing equipment for persons to show overhead slides or make computerized slide presentations. EPA encourages each person to provide two copies of

their oral testimony either electronically or computer disk, CD-ROM, or paper copy at the public hearing. Verbatim transcripts of the public hearings and written statements will be included in the docket to this rulemaking.

Any person needing special accommodations at the public hearings, including wheelchair access or sign language translation, should contact Bonnie Robinson or Elaine Eby at the addresses given above under **FOR FURTHER INFORMATION CONTACT** at least five business days in advance of the public hearing.

Finally, in addition to today's public hearing announcement, EPA will be maintaining a Web site providing the most up-to-date information on these public hearings. See <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/ccr-rule/ccr-hearing.htm>. Those persons planning to participate in the public hearing process, either by providing oral testimony or observing the hearing, are urged to visit this Web site at least two days prior to the date of the each public hearing to determine if there are any relevant announcements or changes related to the hearing.

Dated: July 8, 2010.

**Suzanne Rudzinski,**

*Acting Director, Office of Resource Conservation and Recovery.*

[FR Doc. 2010-17143 Filed 7-14-10; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 10-1060; MB Docket No. 10-118; RM-11603].

#### Radio Broadcasting Services; Gearhart, OR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document sets forth a proposal to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, 47 CFR Section 73.202(b). The Commission requests comment on a petition filed by Black Hills Broadcasting, L.P. proposing the allotment of FM Channel 243A as the first local service at Gearhart, Oregon. The channel can be allotted at Gearhart in compliance with the Commission's minimum distance separation requirements with a site restriction of 8.2 km (5.1 miles) south of Gearhart, at 45-57-11 North Latitude and 123-56-

14 West Longitude. See Supplementary Information *infra*.

**DATES:** The deadline for filing comments is August 16, 2010. Reply comments must be filed on or before August 31, 2010.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: J. Dominic Monahan, Esq., Forum Building, 777 High Street—Suite 300, Post Office Box 10747, Eugene, Oregon 97401.

**FOR FURTHER INFORMATION CONTACT:** Deborah A. Dupont, Media Bureau (202) 418-7072.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 10-118, adopted June 10, 2010, and released June 14, 2010. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506 (c)(4).

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications

Commission proposes to amend 47 CFR Part 73 as follows:

### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Gearhart, Channel 243A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 2010-17300 Filed 7-14-10; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 0911031392-91399-01]

**RIN 0648-AY34**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea Subarea

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues a proposed rule that would implement Amendment 94 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). Amendment 94, if approved, would require participants using nonpelagic trawl gear in the directed fishery for flatfish in the Bering Sea subarea to modify the trawl gear to raise portions of the gear off the ocean bottom. Amendment 94 also would change the boundaries of the Northern Bering Sea Research Area to establish the Modified Gear Trawl Zone (MGTZ) and to expand the Saint Matthew Island Habitat Conservation Area. Nonpelagic trawl gear also would be required to be modified to raise portions of the gear off the ocean bottom if used in any directed fishery for groundfish in the proposed MGTZ. This action is necessary to reduce potential adverse effects of nonpelagic trawl gear on bottom habitat, to protect additional blue king crab habitat near St. Matthew Island, and to allow for efficient flatfish harvest as the