

according to its traditional criteria, and therefore, seeks substantive comment on whether the various elements of CARB's 2008 Truck Idling Requirements meet the applicable criteria for confirmation as conditions precedent,¹⁷ within-the-scope,¹⁸ non-preemption,¹⁹ and full waiver²⁰ or authorization.²¹

VI. Procedures for Public Participation

In recognition that public hearings are designed to give interested parties an opportunity to participate in this proceeding, there are no adverse parties as such. Statements by participants will not be subject to cross-examination by other participants without special approval by the presiding officer. The

¹⁷ EPA has previously stated that, "Once California receives a waiver for standards for a certain class of motor vehicles, it need only meet the waiver criteria of section 209(b) for regulations pertaining to those vehicles when it adopts new or different standards or accompanying enforcement procedures. Otherwise, California may adopt any other condition precedent to the initial retail sale, titling, or registration of those vehicles without the necessity of receiving a further waiver of Federal preemption." 43 FR 36680 (August 18, 1978).

¹⁸ As stated in **Section IV** above, EPA's inquiry for within-the-scope confirmations requires that: (1) The amended regulations must not undermine California's determination that its standards, in the aggregate, are as protective of public health and welfare as applicable Federal standards; (2) the amended regulations must not affect consistency with section 202(a) of the Act; and (3) the amended regulations must not raise any "new issues" affecting EPA's prior waivers.

¹⁹ A requirement is not preempted if it is not a "standard relating to the control of emissions from new motor vehicles or any new motor vehicle engines subject to [Title II of the Clean Air Act]," or "certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment." CAA § 209(a).

²⁰ As stated in **Section II** above, the Administrator must grant a waiver unless she finds that: (A) California's "protectiveness determination" is arbitrary and capricious; (B) California does not need such State standards to meet compelling and extraordinary conditions; or (C) California's standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. EPA has previously stated that "consistency with section 202(a) requires that California's standards must be technologically feasible within the lead time provided, given due consideration of costs, and that California and applicable Federal test procedures be consistent.

²¹ As stated in **Section III** above, the Administrator must grant an authorization unless she finds that: (A) California's "protectiveness determination" is arbitrary and capricious; (B) California does not need such standards to meet compelling and extraordinary conditions; or (C) California's standards and accompanying enforcement procedures are not consistent with section 209 of the Act. EPA has clarified through rulemaking that consistency with section 209 requires, at minimum, that California standards and enforcement procedures be consistent with section 209(a), section 209(e)(1), and section 209(b)(1)(C) (as EPA has interpreted that subsection in the context of section 209(b) motor vehicle waivers). See 40 CFR 1074.105.

presiding officer is authorized to strike from the record statements that he or she deems irrelevant or repetitious and to impose reasonable time limits on the duration of the statement of any participant.

If a hearing is held, the Agency will make a verbatim record of the proceedings. Interested parties may arrange with the reporter at the hearing to obtain a copy of the transcript at their own expense. Regardless of whether a public hearing is held, EPA will keep the record open until October 1, 2010. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record from the public hearing, if any, all relevant written submissions, and other information that she deems pertinent. All information will be available for inspection at the EPA Air Docket No. EPA-HQ-OAR-2010-0317.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest extent possible and label it as "Confidential Business Information" (CBI). If a person making comments wants EPA to base its decision on a submission labeled as CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted to the public docket. To ensure that proprietary information is not inadvertently placed in the public docket, submissions containing such information should be sent directly to the contact person listed above and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed, and according to the procedures set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Dated: July 20, 2010.

Margo Tsigotis Oge,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-OW-2010-0318, FRL-9180-3]

Massachusetts Marine Sanitation Device Standard—Notice of Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Determination.

SUMMARY: The Regional Administrator of the Environmental Protection Agency—New England Region, has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the coastal waters of Gloucester, Rockport, Essex, Ipswich, Rowley, Newbury, Newburyport, Salisbury, Amesbury, West Newbury, Merrimac, Groveland, North Andover, Haverhill, Methuen, and Lawrence, collectively termed the Upper North Shore for the purpose of this notice.

ADDRESSES: *Docket:* All documents in the docket are listed in the <http://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 electronically in <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Ann Rodney, U. S. Environmental Protection Agency—New England Region, Office of Ecosystem Protection, Oceans and Coastal Protection Unit, Five Post Office Square, Suite 100, OEP06-1, Boston, MA 02109-3912. *Telephone:* (617) 918-1538. *Fax number:* (617) 918-0538. *E-mail address:* rodney.ann@epa.gov.

SUPPLEMENTARY INFORMATION: On May 20, 2010, EPA published a notice that the Commonwealth of Massachusetts had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Upper North Shore. Four comments were received on this petition. The response to comments can be obtained utilizing the above contact information.

The petition was filed pursuant to Section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4, for the purpose of declaring these waters a No Discharge Area (NDA).

Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether

treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and

sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

This Notice of Determination is for the waters of the Upper North Shore. The NDA boundaries are as follows:

Waterbody/General area	From longitude	From latitude	To longitude	To latitude
The southern edge of the Upper North Shore NDA boundary is the Manchester/Gloucester municipal line at	70°42'50" W	42°34'21" N	70°35'59" W	42°33'02" N
The northern edge of the Upper North Shore NDA boundary is MA/Seabrook, NH border at	70°48'47" W	42°52'19" N	70°43'57" W	42°52'35" N
On the Merrimack River, the inland edge of the NDA boundary is at the Essex Dam in Lawrence at	71°09'58" W	42°42'02" N		
On the Parker River, the inland edge of the NDA boundary is at the MBTA bridge in Newbury at	70° 52'00" W	42° 45'20" N		
On the Merrimack River, the inland edge of the NDA boundary is at the MBTA bridge on the Rowley/Ipswich town line at	70° 51'28" W	42° 43'19" N		
On the Ipswich River, the inland edge of the NDA boundary is at County Street in Ipswich at	70° 50'07" W	42° 40'44" N		
On the Essex River, the inland edge of the NDA boundary is at Main Street in Essex at	70° 46'43" W	42° 37'55" N		

The eastern edge of the boundary is contiguous with the state/federal line also known as the Submerged Lands Act boundary line and Territorial Sea boundary. The area includes the municipal waters of Gloucester, Rockport, Essex, Ipswich, Rowley, Newbury, Newburyport, Salisbury, Amesbury, West Newbury, Merrimac, Groveland, North Andover, Haverhill, Methuen, and Lawrence.

The information submitted to EPA by the Commonwealth of Massachusetts certifies that there are 13 pumpout facilities located within this area. A list of the facilities, with locations, phone numbers, and hours of operation is appended at the end of this determination.

Based on the examination of the petition and its supporting documentation, and information from

site visits conducted by EPA New England staff, EPA has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the area covered under this determination.

This determination is made pursuant to Section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4.

PUMPOUT FACILITIES WITHIN THE NO DISCHARGE AREA
[Upper North Shore]

Name	Location	Contact Info.	Hours	Mean low water depth (ft)
Gloucester Cape Ann Marina ...	75 Essex Ave., Annisquam River.	978-283-3293; VHF 10	8am-4pm	6
Gloucester Harbormaster	19 Harbor Loop	978-282-3012; VHF 16	On call	N/A
Rockport Harbormaster	34 Broadway	978-546-9589; VHF 9, 16	On call	N/A
Ipswich Harbormaster	15 Elm Street, Plum Island Sound.	978-356-4343; VHF 9, 16	On call	N/A
Rowley Harbormaster	497 Main Street	VHF 9	Thur-Tue; 10am-6pm	N/A
Rowley, Perley's Marina	109 Warehouse Lane	978-948-2812; VHF 9, 16	Mon-Fri 8am-6pm; Sat-Sun 8am-5pm.	4
Newbury Riverfront Marina	292 High Road	978-465-6090; VHF 9	8am-5pm (6pm weekend)	4
Newburyport Cashman Park	Merrimack River	978-462-3746; VHF 12, 16	Self Service Memorial Day/End of October.	6
Newburyport Harbormaster	60 Pleasant Street	978-462-3746; VHF 12, 16	Fri 1pm-5pm; Sat, Sun & Holidays 9am-5pm.	N/A
Amesbury Marina at Hatter's Point.	60 Merrimac Street	978-388-7333; VHF 9	8am-9pm	4
West Newbury Harbormaster ...	Merrimack River Town Dock ...	978-363-1213; VHF 9, 16	On call; 9am-5pm	N/A
Salisbury Harbormaster	Town Wharf	978-499-0740; VHF 12	On call	N/A

Dated: June 28, 2010.

H. Curtis Spalding,

Regional Administrator, New England Region.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9179-9]

Science Advisory Board Staff Office; Notification of Rescheduling of Teleconference of the SAB Trichloroethylene Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a rescheduling of a public teleconference of the SAB Trichloroethylene Review Panel. The teleconference, previously scheduled for August 5, 2010, will be held on September 13, 2010. The SAB Panel will discuss its draft review report on EPA's *Toxicological Review of Trichloroethylene in Support of Summary Information on the Integrated Risk Information System (IRIS)*, External Review Draft (October 2009).

DATES: There will be a public teleconference on September 13, 2010 from 12 p.m. to 4 p.m. (Eastern Daylight Time). The teleconference previously scheduled for August 5, 2010 is cancelled.

ADDRESSES: The teleconference will be conducted by phone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public teleconference may contact Dr. Holly Stallworth, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone/voice mail at (202) 564-2073 or via e-mail at stallworth.holly@epa.gov. General information about the SAB, as well as any updates concerning the meeting announced in this notice, may be found on the SAB Web site at <http://www.epa.gov/sab>.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, notice is hereby given that the SAB Trichloroethylene Review Panel (Panel) will hold a public teleconference to discuss its peer review report to EPA. The SAB was established pursuant to 42 U.S.C. 4365 to provide independent scientific and technical advice to the

Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under FACA. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The SAB Panel held a teleconference on April 20, 2010, a face-to-face meeting on May 10-12, 2010 and a teleconference on June 24, 2010. These meetings were announced in the **Federal Register** Notices dated March 31, 2010 (75 FR 16108-16109) and June 2, 2010 (75 FR 30827-30828), respectively. The **Federal Register** Notice of June 2, 2010 also announced a teleconference on August 5, 2010. This teleconference is now rescheduled for September 13, 2010. The SAB Panel will discuss its draft advisory on EPA's *Toxicological Review of Trichloroethylene in Support of Summary Information on the Integrated Risk Information System (IRIS)*, External Review Draft (October 2009).

Availability of Meeting Materials: The SAB meeting agenda and materials in support of this teleconference will be placed on the SAB Web site at <http://www.epa.gov/sab> in advance of the teleconference. For technical questions and information concerning EPA's draft IRIS document, please contact Dr. Weihsueh Chiu at (703) 347-8607, or chiu.weihsueh@epa.gov.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a Federal advisory committee to consider as it develops advice for EPA. They should send their comments directly to the Designated Federal Officer for the relevant advisory committee. **Oral Statements:** In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker, with no more than a total of 30 minutes for all speakers. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Dr. Holly Stallworth, DFO, in writing (preferably via e-mail) at the contact information noted above, by

September 8, 2010 for the September 13, 2010 teleconference to be placed on the list of public speakers. **Written Statements:** Written statements should be supplied to the DFO via email at the contact information noted above no later than September 8, 2010. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format. Submitters are requested to provide versions of signed documents, submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Holly Stallworth at (202) 564-2073 or stallworth.holly@epa.gov. To request accommodation of a disability, please contact Dr. Stallworth preferably at least ten days prior to each teleconference to give EPA as much time as possible to process your request.

Dated: July 22, 2010.

Vanessa Vu,

Director, EPA Science Advisory Board Staff Office.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0332; FRL-8838-6]

Methyl Parathion; Rescission of Previously Issued Order and Issuance of Revised Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's rescission of a previously issued cancellation order and provides a revised cancellation order, voluntarily requested by the registrants and accepted by the Agency, of products containing methyl parathion, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This revised cancellation order rescinds a July 16, 2010 **Federal Register** Notice which incorrectly stated the effective date of the cancellations of the product registrations listed in Table 1 of Unit II. This order correctly identifies the effective dates of cancellation for the affected product registrations. In addition, this order clarifies the existing