

address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

## II. What action is the agency taking?

Under section 5 of FIFRA, 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

*Submitter:* Dr. Robert I. Rose, on behalf of Stephen L. Dobson, University of Kentucky, Department of Entomology, S-225 Ag. Science Center North, Lexington, KY 40546-0091, (88877-EUP-R).

*Pesticide Chemical:* *Wolbachia pipientis*.

*Summary of Request:* The applicant proposes release of male *Aedes polynesiensis* mosquitoes infected with *Wolbachia pipientis* in American Samoa. The male mosquitoes will mate with indigenous female *Aedes polynesiensis*, causing conditional sterility and resulting in mosquito population suppression. Adult and egg collection data from treated areas will be compared to those in the control site to examine for the effect of the released product on the indigenous population.

A copy of the application and any information submitted is available for public review in the docket established for this EUP application as described under **ADDRESSES**.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

### List of Subjects

Environmental protection,  
Experimental use permits.

Dated: April 26, 2012.

**Keith A. Matthews**,  
*Director, Biopesticides and Pollution  
Prevention Division, Office of Pesticide  
Programs.*

[FR Doc. 2012-11087 Filed 5-7-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9670-1]

### National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation

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

**ACTION:** Notice of advisory committee  
meeting teleconference call.

**SUMMARY:** Under the Federal Advisory Committee Act, Public Law 92-463, EPA gives notice of a meeting of the National Advisory Committee (NAC) and Governmental Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC). The National and Governmental Advisory Committees advise the EPA Administrator in her capacity as the U.S. Representative to the CEC Council. The Committees are authorized under Articles 17 and 18 of the North American Agreement on Environmental Cooperation (NAAEC), North American Free Trade Agreement Implementation Act, Public Law 103-182, and as directed by Executive Order 12915, entitled "Federal Implementation of the North American Agreement on Environmental Cooperation." The NAC is composed of 13 members representing academia, environmental non-governmental organizations, and private industry. The GAC consists of 12 members representing state, local, and Tribal governments. The Committees are responsible for providing advice to the U.S. Representative on a wide range of strategic, scientific, technological, regulatory, and economic issues related to implementation and further elaboration of the NAAEC.

The purpose of this teleconference is to discuss and approve the draft advice letter addressing the draft Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC. A copy of the agenda will be posted at <http://www.epa.gov/ofacmo/nacgac-page.htm>.

**DATES:** The NAC/GAC will hold a public teleconference on Wednesday, May 16, 2012, from 12 p.m. to 1 p.m. Eastern

Standard Time. Due to an expedited advice request, EPA is announcing the meeting with less than 15 days public notice.

**ADDRESSES:** The meeting will be held at the U.S. EPA East Building, 1201 Constitution Ave. NW., Room 1132, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Oscar Carrillo, Designated Federal Officer, [carrillo.oscar@epa.gov](mailto:carrillo.oscar@epa.gov), 202-564-0347, U.S. EPA, Office of Federal Advisory Committee Management and Outreach (1601-M), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** Requests to make oral comments or to provide written comments to NAC/GAC should be sent to Oscar Carrillo at [carrillo.oscar@epa.gov](mailto:carrillo.oscar@epa.gov) by Thursday, May 10, 2012. The meeting is open to the public, with limited seating on a first-come, first-served basis. Members of the public wishing to participate in the teleconference should contact Oscar Carrillo at [carrillo.oscar@epa.gov](mailto:carrillo.oscar@epa.gov) or (202) 564-0347 by May 10, 2012.

*Meeting Access:* For information on access or services for individuals with disabilities, please contact Oscar Carrillo at 202-564-0347 or [carrillo.oscar@epa.gov](mailto:carrillo.oscar@epa.gov). To request accommodation of a disability, please contact Oscar Carrillo, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: May 1, 2012.

**Oscar Carrillo**,  
*Designated Federal Officer.*

[FR Doc. 2012-11043 Filed 5-7-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9667-8]

### Proposed Settlement Agreement

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

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

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement between EPA and the industry petitioners in *Portland Cement Ass'n v. EPA*, No. 10-1358 (D.C. Circuit). Under the settlement agreement, EPA would propose action on pending reconsideration issues and on issues raised by the court's remand in *Portland Cement Ass'n v. EPA* by June 15, 2012

(proposal) and December 20, 2012 (final). EPA would also address the issue of whether there should be new compliance dates for amended standards for existing sources as part of that process. In exchange, industry petitioners would agree not to seek rehearing or rehearing en banc of the DC Circuit's opinion in *Portland Cement Ass'n v. EPA*, 665 F. 3d 177.

**DATES:** Written comments on the proposed settlement agreement must be received by *June 7, 2012*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OAR-2011-0344, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method); by email to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, D.C. between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Steven Silverman, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564-5523; fax number (202) 564-5654; email address: [silverman.steven@epa.gov](mailto:silverman.steven@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Additional Information About the Proposed Settlement Agreement**

The proposed settlement agreement seeks to prevent further litigation in *Portland Cement Ass'n v. EPA*, 665 F. 3d 177 (D.C. Cir. 2011), which involved National Emission Standards for Hazardous Air Pollutants (NESHAP) for the portland cement source category. The court upheld the NESHAP itself (as well as the contemporaneous section 111 New Source Performance Standard), but found that EPA had arbitrarily failed to grant reconsideration of the NESHAP to consider the effect of EPA's Nonhazardous Secondary Materials (NHSM) rule on the standards, 76 FR 15456 (Mar. 21, 2011), which rule had the effect of reclassifying some cement kilns as commercial and solid waste incinerators. *Portland Cement Ass'n v. EPA*, 665 F. 3d 177, 186-189 (D.C. Cir. 2011). Following issuance of the court's

opinion, but before the deadline for seeking rehearing from the panel which decided the case, or seeking rehearing en banc from the entire Circuit, EPA chose to reconsider aspects of the NHSM rule. 76 FR 80452 (Dec. 23, 2011).

Under the proposed settlement agreement, EPA would propose action on reconsideration of the NESHAP by June 15, 2012 and take final action on that proposal by December 20, 2012. In that rulemaking, EPA would agree to address the remand of the D.C. Circuit, all issues on which EPA has already granted reconsideration (see 76 FR 28318 (May 17, 2011)), and a pending petition for reconsideration of the NESHAP filed on November 15, 2011 by Holcim Cement. If supported by the administrative record, EPA would also agree to propose to extend the existing source compliance date of September 10, 2013, or in any case to discuss the possibility of extending that date, and to take final action by December 20, 2012 regarding the date of compliance.

In turn, industry petitioners would agree not to seek panel rehearing or rehearing en banc. In the event that EPA does not propose to extend the compliance date for existing sources until at least September 9, 2015, or EPA does not complete any of the other actions set out in the proposed settlement, industry petitioners could request the court (either the panel or the en banc court) to rehear the case.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed settlement agreement from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this settlement agreement should be withdrawn, the terms of the settlement agreement will be affirmed.

**II. Additional Information About Commenting on the Proposed Settlement Agreement**

*A. How can I get a copy of the settlement agreement?*

The official public docket for this action (identified by Docket ID No. EPA-HQ-OAR-2011-0344) contains a copy of the proposed settlement agreement. The official public docket is

available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center 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 OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through [www.regulations.gov](http://www.regulations.gov). You may use [www.regulations.gov](http://www.regulations.gov) to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number, then select "search."

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at [www.regulations.gov](http://www.regulations.gov) without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

*B. How and to whom do I submit comments?*

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD-ROM you submit. This ensures that you can be identified as the submitter of the comment and allows

EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the [www.regulations.gov](http://www.regulations.gov) Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an "anonymous access" system. If you send an email comment directly to the Docket without going through [www.regulations.gov](http://www.regulations.gov), your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: April 24, 2012.

**Kevin W. McLean,**

*Acting Associate General Counsel.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2012-0217; FRL-9669-1]

### Request for Nominations of Drinking Water Contaminants for the Fourth Contaminant Candidate List

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

**ACTION:** Notice and request for public comment.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is requesting nominations of chemical and microbial contaminants for possible inclusion in the fourth drinking water Contaminant Candidate List (CCL 4). EPA is also requesting supporting information that has been made available since the development of the third CCL (CCL 3), or existing information that was not considered for CCL 3, which shows that the nominated contaminant may have an adverse health effect on people and

occurs or is likely to occur in public water systems.

**DATES:** Nominations must be received on or before June 22, 2012.

**ADDRESSES:** Submit your nominations by one of the following methods:

- To the CCL 4 Nominations Web site: <http://water.epa.gov/scitech/drinkingwater/dws/ccl/ccl4.cfm> by following the on-line instructions for submitting nominations.
- *Mail:* Water Docket, U.S. Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Identify your nominations by Docket ID No. EPA-HQ-OW-2012-0217.
- *Hand Delivery:* Water Docket, U.S. EPA Docket Center (EPA/DC). Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The EPA Docket Center, Water Docket is located in Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. The telephone number for the Water Docket is (202) 566-2426.

**FOR FURTHER INFORMATION CONTACT:** For general information contact the EPA Safe Drinking Water Hotline at (800) 426-4791 or email: [hotline-sdwa@epa.gov](mailto:hotline-sdwa@epa.gov). For technical questions about this notice and/or inquires regarding EPA's CCL 4 Nominations Web site, please contact Clifton Townsend, Standards and Risk Management Division, Office of Ground Water and Drinking Water, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., MC:4607M, Washington, DC 20460; telephone number: (202) 564-1576; email address: [townsend.clifton@epa.gov](mailto:townsend.clifton@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

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

This notice does not impose any requirements on anyone; it only requests drinking water contaminant candidate nominations and provides information on how the public can submit nominations to the agency.

###### B. How can I get copies of this document and other related information?

1. *Docket.* EPA has established a docket for this action under Docket ID No. EPA-HQ-OW-2012-0217. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Water Docket in the EPA Docket Center (see **ADDRESSES** section)

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Web site

under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

## II. Background

### A. What is the CCL?

The CCL is a list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations, that are known or anticipated to occur in public water systems, and which may require regulation under the Safe Drinking Water Act (SDWA). EPA uses this list of unregulated contaminants to help the agency determine whether it should regulate a specific contaminant and to prioritize research and data collection efforts. SDWA requires that EPA publish the CCL every five years (SDWA Section 1412(b)(1)). EPA is also required to consult with the scientific community and provide notice and opportunity for public comment prior to publication of the CCL.

SDWA also requires EPA to determine whether to regulate at least five contaminants from the CCL every five years (SDWA Section 1412(b)(1)) with a national primary drinking water regulation (NPDWR). In making a determination to regulate a contaminant, SDWA specifies that three criteria must be met:

1. The contaminant may have an adverse effect on the health of persons;
2. The contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and
3. In the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.

### B. How did EPA develop previous contaminant candidate lists?

EPA published the first CCL (CCL 1), which contained 60 chemical and microbiological contaminants, on March 2, 1998 (63 FR 10273). EPA consulted with the scientific community and the National Drinking Water Advisory Council (NDWAC) on the process used to develop CCL 1. Based on the NDWAC recommendations, the agency developed and used screening and evaluation criteria to identify the list of chemical contaminants for CCL 1. For microbiological contaminants, the agency followed the NDWAC recommendations and sought external expertise to identify and select potential waterborne pathogens. The agency convened a workshop of microbiologists and public health experts who developed criteria for screening and