

GHG regulation includes the regulation of certain trailers associated with heavy-duty vehicles and engines. CARB amended the Tractor-Trailer GHG regulation in conjunction with its adoption of the Phase 1 GHG regulation (which only addresses vehicles and engines) to ensure that California's GHG requirements for new medium and heavy-duty engines and vehicles are consistent with the corresponding requirements of EPA's Phase 1 GHG regulation (that addresses engines and vehicles).

### **(B) Scope of Preemption and Criteria for a Waiver Under the Clean Air Act**

Section 209(a) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7543(a), provides:

No state or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No state shall require 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.

Section 209(b) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209(a) for any state that has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the state determines that the state standards will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards. California is the only state that is qualified to seek and receive a waiver under section 209(b). EPA must grant a waiver unless the Administrator finds that (A) the determination of the state is arbitrary and capricious, (B) the state does not need the state standards to meet compelling and extraordinary conditions, or (C) the state standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. Previous decisions granting waivers of federal preemption for motor vehicles have maintained that state standards are inconsistent with section 202(a) if there is inadequate lead time to permit the development of the necessary technology giving appropriate consideration to the cost of compliance within that time period or if the federal

to review EPA's issuance of the waiver. The court dismissed the petition on November 25, 2015.

and state test procedures impose inconsistent certification procedures.<sup>3</sup>

### **(C) Request for Comment**

EPA invites comment on CARB's request for a waiver for the California Phase 1 GHG regulation under the following three criteria: whether (a) California's determination that its motor vehicle emission standards are, in the aggregate, at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious, (b) California needs such standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Clean Air Act.

#### *Procedures for Public Participation*

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. EPA will keep the record open until November 1, 2016. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record of the public hearing, relevant written submissions, and other information that she deems pertinent.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest possible extent and label it as "Confidential Business Information" (CBI). If a person making comments wants EPA to base its decision in part on a submission labeled CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted for the public docket. To ensure that proprietary information is not inadvertently placed in the 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 by 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.

<sup>3</sup> To be consistent, the California certification procedures need not be identical to the federal certification procedures. California procedures would be inconsistent, however, if manufacturers would be unable to meet the state and the federal requirements with the same test vehicle in the course of the same test. See, e.g., 43 FR 32182 (July 25, 1978).

Dated: August 3, 2016.

**Christopher Grundler,**

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

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## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-9950-42-OA]**

### **Request for Nominations for a Science Advisory Board Panel To Review Risk and Technology Review Screening Methods**

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

**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to form a Panel to review the draft EPA report entitled "Screening Methodologies to Support Risk and Technology Reviews (RTR)." This draft report describes newly developed screening methods designed to assess the risk to public health and the environment that would remain after stationary sources of hazardous air pollutants come into compliance with the EPA's Maximum Available Control Technologies (MACT) standards.

**DATES:** Nominations should be submitted by August 30, 2016 per the instructions below.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding this Notice and Request for Nominations may contact the Designated Federal Officer. Nominators unable to submit nominations electronically as described below may contact the Designated Federal Officer for assistance. General information concerning the EPA SAB can be found at the EPA SAB Web site at <http://www.epa.gov/sab>.

#### **SUPPLEMENTARY INFORMATION:**

*Background:* The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The SAB RTR Methods Review Panel will provide advice through the chartered SAB on scientific and technical issues related to assessing risks to public health and the

environment from hazardous air pollutants. The SAB and this Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

EPA's Office of Air and Radiation (OAR) has prepared a draft report entitled "Screening Methodologies to Support Risk and Technology Reviews (RTR): A Case Study Analysis." The Clean Air Act (CAA) establishes a two-stage regulatory process for addressing emissions of hazardous air pollutants (HAPs) from stationary sources. In the first stage, the CAA requires the EPA to develop technology-based standards, known as Maximum Achievable Control Technology (MACT) standards, for categories of industrial sources. In the second stage, the EPA must review each MACT standard at least every eight years and revise them as necessary, taking into account developments in practices, processes and control technologies. EPA must also conduct an assessment of the health and environmental risks that remain after stationary sources come into compliance with the MACT standards. Periodically, the SAB is asked to review the methods that OAR uses to estimate risks as these methods evolve or as new methods are developed. Thus, OAR has requested the SAB to review EPA's draft report that describes newly enhanced screening methods designed to estimate the potential risks to public health and the environment that would remain after stationary sources of HAPs come into compliance with EPA's MACT standards. These include screening methods to estimate the potential for multi-pathway risks (e.g., ingestion, inhalation) from persistent and bioaccumulative HAPs, screening methods to estimate potential environmental risks, and recent enhancements to the EPA's inhalation risk assessment methodology. The SAB Staff Office is forming an expert panel, the SAB RTR Methods Review Panel, under the auspices of the Chartered SAB to conduct this review.

*Technical Contact for EPA's draft report:* For information concerning the draft report "Screening Methodologies to Support Risk and Technology Reviews (RTR): A Case Study Analysis" please contact Dr. Michael Stewart by email at [stewart.michael@epa.gov](mailto:stewart.michael@epa.gov) or phone (919) 541-7524.

*Request for Nominations:* The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise in the following disciplines: Human health risk assessment, ecological risk assessment, exposure assessment, toxicology, ecology, aquatic

toxicology, air toxics, and dispersion modeling. Additional information about this advisory activity is available on the SAB Web site at [http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr\\_activites/RTR%20Screening%20Methods%20Review?OpenDocument](http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/RTR%20Screening%20Methods%20Review?OpenDocument). Questions regarding this advisory activity should be directed to Dr. Suhair Shallal, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564-2057, by fax at (202) 565-2098, or via email at [shallal.suhair@epa.gov](mailto:shallal.suhair@epa.gov).

*Process and Deadline for Submitting Nominations:* Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the SAB RTR Methods Review Panel identified in this notice. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred over hard copy) following the instructions for "Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed," provided on the SAB Web site (see the "Nomination of Experts" link under "Current Activities" at <http://www.epa.gov/sab>). To receive full consideration, nominations should include all of the information requested below.

EPA's SAB Staff Office requests contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's resume or curriculum vitae; sources of recent grant and/or contract support; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations.

Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB Web site, should contact Dr. Shallal as indicated above in this notice. Nominations should be submitted in time to arrive no later than August 30, 2016. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

The EPA SAB Staff Office will acknowledge receipt of nominations. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates for the panel on the SAB Web site at <http://www.epa.gov/sab>. Public comments on the List of

Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming the expert panel, the SAB Staff Office will consider public comments on the Lists of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, (f) for the panel as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the "Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees" (EPA Form 3110-48). This confidential form allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded from the following URL address <http://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument>.

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA-SAB-EC-02-010), which is posted on the SAB Web site at [https://yosemite.epa.gov/sab/sabproduct.nsf/WebFiles/OverviewPanelForm/\\$File/ec02010.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebFiles/OverviewPanelForm/$File/ec02010.pdf).

Dated: August 3, 2016.

**Thomas H. Brennan,**

*Deputy Director, Science Advisory Board Staff Office.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2015-0224; FRL-9950-43-OAR]

### California State Nonroad Engine Pollution Control Standards; Evaporative Emission Standards and Test Procedures for Off-Highway Recreational Vehicles (OHRVs); Request for Authorization; Opportunity for Public Hearing and Comment

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

**ACTION:** Notice of opportunity for public hearing and comment.

**SUMMARY:** The California Air Resources Board (CARB) has notified EPA that it has adopted amendments to its off-highway recreational vehicles (ORVR) regulation that establish new evaporative emission standards and associated test procedures for 2018 and subsequent model year OHRVs (OHRV Evaporative Emission Amendments). By letter dated February 26, 2016, CARB asked that EPA authorize these amendments pursuant to section 209(e) of the Clean Air Act. This notice announces that EPA has tentatively scheduled a public hearing to consider California's authorization request and that EPA is now accepting written comment on the request.

**DATES:** EPA has tentatively scheduled a public hearing concerning CARB's request on September 28, 2016, at 10 a.m. EPA will hold a hearing only if any party notifies EPA by September 21, 2016 to express interest in presenting the Agency with oral testimony. Parties wishing to present oral testimony at the public hearing should provide written notice to David Dickinson at the email address noted below. If EPA receives a request for a public hearing, that hearing will be held at the William Jefferson Clinton Building (North), Room 5528 at 1200 Pennsylvania Ave. NW., Washington, DC 20460. If EPA does not receive a request for a public hearing, then EPA will not hold a hearing, and instead will consider CARB's request based on written submissions to the docket. Any party may submit written comments until November 1, 2016.

Any person who wishes to know whether a hearing will be held may call

David Dickinson at (202) 343-9256 on or after September 21, 2016.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2016-0181, by one of the following methods:

- *Online at:* <http://www.regulations.gov>

Follow the Online Instructions for Submitting Comments.

- *Email:* [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).

- *Fax:* (202) 566-9744.

• *Mail:* Air and Radiation Docket, Docket ID No. EPA-HQ-OAR-2016-0181, U.S. Environmental Protection Agency, Mail code: 6102T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Please include a total of two copies.

• *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Online Instructions for Submitting Comments:* Direct your comments to Docket ID No. EPA-HQ-OAR-2016-0181. EPA's policy is that all comments we receive will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or email. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will automatically be captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or

viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

EPA will make available for public inspection materials submitted by CARB, written comments received from any interested parties, and any testimony given at the public hearing. Materials relevant to this proceeding are contained in the Air and Radiation Docket and Information Center, maintained in Docket ID No. EPA-HQ-OAR-2016-0181. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Air and Radiation Docket in the EPA Headquarters Library, EPA West Building, Room 3334, located at 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open to the public on all federal government work days from 8:30 a.m. to 4:30 p.m.; generally, it is open Monday through Friday, excluding holidays. The telephone number for the Reading Room is (202) 566-1744. The Air and Radiation Docket and Information Center's Web site is <http://www.epa.gov/oar/docket.html>. The electronic mail (email) address for the Air and Radiation Docket is: [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov), the telephone number is (202) 566-1742, and the fax number is (202) 566-9744. An electronic version of the public docket is available through the federal government's electronic public docket and comment system. You may access EPA dockets at <http://www.regulations.gov>. After opening the <http://www.regulations.gov> Web site, enter, in the "Enter Keyword or ID" fill-in box to view documents in the record. Although a part of the official docket, the public docket does not include Confidential Business Information ("CBI") or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** David Dickinson (6405J), Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Telephone: (202) 343-9256. Fax: (202) 343-2804. Email: [dickinson.david@epa.gov](mailto:dickinson.david@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### (A) CARB's Authorization Request for Its OHRV Evaporative Emission Amendments

The California OHRV category encompasses a wide variety of vehicles, including off-road motorcycles, all-terrain vehicles (ATVs), off-road sport and utility vehicles, sand cars, and golf carts. CARB's OHRV Evaporative