

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9176-8]

Workshop To Review Initial Health Effects Draft Materials for the Ozone (O₃) Integrated Science Assessment (ISA)**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of workshop.

SUMMARY: As part of the review of the air quality criteria and National Ambient Air Quality Standard (NAAQS) for Ozone (O₃), EPA is announcing that a workshop to evaluate initial draft materials for the health effects sections of the O₃ Integrated Science Assessment (ISA) is being organized by EPA's National Center for Environmental Assessment (NCEA) within the Office of Research and Development (ORD). The workshop will be held on August 6, 2010, in Research Triangle Park, NC, and will be open to attendance by interested public observers on a first-come, first-served basis up to the limits of available space.

DATES: The workshop will be held on August 6, 2010.

ADDRESSES: The workshop will be held in the auditorium of EPA's main campus, 109 T.W. Alexander Drive, Research Triangle Park, NC. An EPA contractor, Versar, is providing logistical support for the workshop.

FOR FURTHER INFORMATION CONTACT: Questions regarding information, registration, and logistics for the workshop should be directed to Bethzaida Colon, Versar, Inc., Conference Coordinator, 6850 Versar Center, Springfield, VA 22151, telephone: 703-642-6727; facsimile: 703-642-6809; e-mail: BColon@versar.com. Questions regarding the scientific and technical aspects of the workshop should be directed to Dr. James Brown, telephone: 919-541-0765; facsimile: 919-541-1818; e-mail: brown.james@epa.gov or Dr. Lisa Vinikoor, telephone: 919-541-2931; facsimile: 919-541-5078; e-mail: vinikoor.lisa@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Summary of Information About the Workshop**

Section 109(d) of the Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to conduct periodic reviews of the air quality criteria for each air pollutant listed under section 108 of the Act. Based on such review, EPA is to retain or revise the NAAQS for a given pollutant as

appropriate. As part of these reviews, NCEA assesses newly available scientific information and develops ISA documents (formerly known as Criteria Documents) that provide the scientific basis for the reviews of the NAAQS for O₃, particulate matter, carbon monoxide, nitrogen oxides, sulfur oxides, and lead. Based on the information in the ISA, EPA's Office of Air Quality Planning and Standards (OAQPS) typically conducts quantitative and qualitative risk and exposure assessments. The ISA and the risk/exposure assessments are used to prepare a policy assessment that informs subsequent rulemaking actions.

NCEA-RTP is holding this workshop to inform the Agency's evaluation of the scientific evidence for the review of the NAAQS for O₃. The purpose of the workshop is to obtain a review of the scientific content of initial draft materials or sections for the draft ISA. Workshop sessions will include a review and discussion of initial draft sections on the health effects evidence from in vivo and in vitro animal toxicology, human clinical, and epidemiology studies. In addition, roundtable discussions will help identify key studies or concepts within each discipline to assist EPA in integrating within and across disciplines. This workshop is planned to help ensure that the ISA is up-to-date and focuses on the key evidence to inform the scientific understanding for the review of the NAAQS for O₃. EPA is planning to release the first external review draft ISA for O₃ for review by the Clean Air Scientific Advisory Committee (CASAC) and the public in November 2010.

II. Workshop Information

Members of the public may attend the workshop as observers. Space is limited, and reservations will be accepted on a first-come, first-served basis.

Dated: July 14, 2010.

Rebecca Clark,

Acting Director, National Center for Environmental Assessment.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9176-9]

Proposed Settlement Agreements, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Settlement Agreements; 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 six proposed settlement agreements to address lawsuits filed by the American Chemistry Council, the American Public Gas Association, the American Petroleum Institute, et al., the Energy Recovery Council, the Fertilizer Institute, and the Utility Air Regulatory Group (collectively "Petitioners") in the United States Court of Appeals for the District of Columbia: *American Chemistry Council v. EPA*, No. 09-1325 (D.C. Cir.) and consolidated cases. Petitioners filed petitions for review of EPA's final rule entitled "Mandatory Reporting of Greenhouse Gases", published at 75 FR 56,260 (October 30, 2009). Under the terms of the proposed settlement agreements, Petitioners would dismiss their claims if EPA proposes and, after notice and comment, takes final action on certain revisions to the final rule.

DATES: Written comments on the proposed settlement agreements must be received by August 19, 2010.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2010-0575, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to 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, DC, 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: Carol Holmes, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-8709; fax number (202) 564-5603; email address: holmes.carol@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Additional Information About the Proposed Settlement Agreements**

On September 22, 2009, EPA finalized the first comprehensive reporting

program for greenhouse gases (“GHGs”) under the Clean Air Act (“CAA” or “the Act”). 75 FR 56,260 (October 30, 2009) (“2009 Final GHG Reporting Rule”). The 2009 Final GHG Reporting Rule requires reporting of greenhouse gas emissions from large sources and suppliers in the United States, and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial greenhouse gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions are required to submit annual reports to EPA. The rule became effective December 29, 2009.

Eight petitions for review were filed in the DC Circuit challenging the 2009 Final GHG Reporting Rule: American Chemistry Council (09–1325); Energy Recovery Council (09–1326); American Petroleum Institute and National Petroleum Refiners Association (09–1328); The Fertilizer Institute (09–1329); American Public Gas Association (09–1331); Kinder Morgan CO₂ Co., LP (09–1332); Utility Air Regulatory Group (09–1333); and Environmental Defense Fund (09–1334). Five petitioners or groups of petitioners also filed petitions for reconsideration of the 2009 Final GHG Reporting Rule (American Public Gas Association; American Petroleum Institute, *et al.*; the Energy Recovery Council; the Utility Air Regulatory Group; and the Environmental Defense Fund). Both the petitions for review in the DC Circuit, and the petitions for reconsideration, raise issues with the final requirements of the 2009 Final GHG Reporting Rule. Upon EPA’s motion, on February 22, 2010, the court issued an order holding the consolidated cases in abeyance pending EPA’s consideration of the petitions for reconsideration and the parties’ settlement discussions.

Under the proposed settlement agreements being noticed today, five petitions for review would be dismissed in their entirety, and one dismissed in part, if EPA proposes and finalizes certain revisions to the 2009 Final GHG Reporting Rule. The administrative petitions filed by the settling parties also would be deemed withdrawn under the terms of the proposed settlement agreements. Two petitions for review—that of the Environmental Defense Fund and that of Kinder Morgan CO₂ Co., LP—would not be settled at this time. Rather, these petitions would continue to be held in abeyance, pending further settlement discussions or action by EPA that renders the petition(s) moot.

Pursuant to the proposed settlement agreements, EPA would be proposing

and taking final action on four primary categories of changes to the 2009 Final GHG Reporting Rule: (1) Revising the applicability threshold for one source category; (2) revising the threshold for more stringent monitoring for one type of combustion source; (3) providing an option to request the continued use of best available monitoring methods until 2015 if, at a complex facility, a shutdown or hot tap is required to install measurement equipment; and (4) generally revising monitoring, recordkeeping and reporting requirements in various subparts.

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 agreements from persons who were 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 agreements 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, based on any comment submitted, that consent to these settlement agreements should be withdrawn, the terms of the agreements will be affirmed.

II. Additional Information About Commenting on the Proposed Settlement Agreements

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

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2010–0575) contains copies of the proposed settlement agreements. 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 <http://www.regulations.gov>. You may use <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 on paper, will be made available for public viewing online at <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 e-mail 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 <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, e-mail 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 (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through <http://www.regulations.gov>, your e-mail 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: July 14, 2010.

Richard B. Ossias,
Associate General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9176-3]

Science Advisory Board Staff Office; Request for Nominations of Experts for the SAB Hydraulic Fracturing Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office is requesting public nominations for technical experts to form an SAB *Ad Hoc* Panel to review EPA's draft Hydraulic Fracturing Study Plan to investigate the potential public health and environmental protection research issues that may be associated with hydraulic fracturing.

DATES: Nominations should be submitted by August 10, 2010 per instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Mr. Edward Hanlon, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564-2134, by fax at (202) 565-2098, or via e-mail at hanlon.edward@epa.gov. General information concerning the EPA Science Advisory Board can be found at the EPA SAB Web site at: <http://www.epa.gov/sab>. Any inquiry regarding EPA's planned research approaches to study the potential public health and environmental protection issues that may be associated with hydraulic fracturing should be directed to Robert Puls, EPA Office of Research and Development (ORD), at Puls.Robert@epa.gov or (580) 436-8543. Media inquiries regarding EPA's draft Hydraulic Fracturing Study Plan should

be directed to Enesta Jones, EPA Office of Public Affairs (OPA), at jones.enesta@epa.gov or (202) 564-7873.

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, consultation, 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 will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Hydraulic fracturing (or hydrofracking) generates vertical and horizontal fractures in underground geologic formations to facilitate extraction of gas (or oil) from the subsurface. While each formation has unique characteristics and features, the general process involves drilling a vertical well, extending the well bore horizontally into the formation, removing water, injecting hydrofracking fluids and then extracting the natural gas along with separation and management of fluids. Over the past few years, the use of hydraulic fracturing has increased. At the same time, concern has been expressed by the public regarding the potential environmental impacts of hydraulic fracturing. In the Congressional Appropriations Conference Report for Fiscal Year 2010, the conferees

urge[d] the Agency to carry out a study on the relationship between hydraulic fracturing and drinking water, using a credible approach that relies on the best available science, as well as independent sources of information. The conferees expect the study to be conducted through a transparent, peer-reviewed process that will ensure the validity and accuracy of the data. The Agency shall consult with other Federal agencies as well as appropriate State and interstate regulatory agencies in carrying out the study, which should be prepared in accordance with the Agency's quality assurance principles.

To respond to concerns that have been voiced by the public, and to meet the Congressional request, EPA is initiating a study on the potential environmental and human health implications of HF with special emphasis on the relationship between hydraulic fracturing and drinking water resources. At a public face-to-face meeting of the SAB Environmental Engineering Committee (EEC) on April 7-8, 2010, the SAB EEC augmented with

other SAB members evaluated and commented on EPA's proposed scope of study and key research questions regarding the potential public health and environmental protection issues that may be associated with hydraulic fracturing [Federal Register Notice dated March 18, 2010 (75 FR 13125)]. On June 24, 2010 the SAB provided the EPA Administrator with an advisory report that included recommendations of the EEC, *Advisory on EPA's Research Scoping Document Related to Hydraulic Fracturing*, EPA-SAB-10-009.

EPA's next step is to develop a draft Study Plan for its hydraulic fracturing research. EPA has requested that the SAB review its draft Study Plan. The SAB Staff Office will form a new expert Panel to review EPA's draft Study Plan and review the Study results if SAB is requested to do so by ORD. The new, ad hoc panel is being formed to include expertise focused on the specific directions of the ORD research.

Request for Nominations

The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists and engineers having experience and expertise in the following areas: petroleum (including natural gas) engineering and petroleum geology, particularly with experience in hydraulic fracturing and well testing mechanical integrity; hydrology and hydrogeology; geophysics; water quality; chemistry and geochemistry, particularly with experience in chemical fate and transport, oxidation-reduction reactions, gas-liquid exchange, and solubility; analytical chemistry, particularly regarding trace organics and environmental monitoring; statistics, particularly regarding experimental design of field studies; human health effects and risk assessment; civil and environmental engineering; chemical engineering; drinking water treatment systems; wastewater treatment systems; and social, behavioral, and decision sciences.

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 this expert *ad hoc* Panel. Nominations should be submitted in electronic format (which is 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. The instructions can be accessed through the "Nomination of