

requirements of sections 202 and 203 of the UMRA.

#### 5. Executive Order 13132: Federalism

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule proposes to authorize pre-existing State rules. Thus, Executive Order 13132 does not apply to this proposed rule. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed rule from State and local officials.

#### 6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (59 FR 22951, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This proposed rule does not have tribal implications, as specified in Executive Order 13175 because EPA retains its authority over Indian Country. Thus, Executive Order 13175 does not apply to this proposed rule. EPA specifically solicits additional comment on this proposed rule from tribal officials.

#### 7. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

EPA interprets EO 13045 (62 F.R. 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it approves a State program.

#### 8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211, "Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a "significant regulatory action" as defined under Executive Order 12866.

#### 9. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, 12(d) (15 U.S.C. 272), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

#### 10. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations

Executive Order (EO) 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This proposed rule does not affect the level of protection provided to human health or the environment because this rule proposes to authorize pre-existing State rules which are equivalent to, and no less stringent than existing Federal requirements.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians—lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This proposed action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 27, 2009.

**Michelle L. Pirzadeh,**

*Acting Regional Administrator, Region 10.*

[FR Doc. E9-27615 Filed 11-17-09; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 42 CFR Part 84

[Docket Number NIOSH-0137]

RIN 0920-AA33

### Total Inward Leakage Requirements for Respirators

**AGENCY:** National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of proposed rulemaking; notice of public meeting.

**SUMMARY:** The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), will hold a public meeting concerning the proposed rule that was published in the **Federal Register** on Friday, October 30, 2009. The proposed rule proposes to establish total inward leakage (TIL) requirements for half-mask air-purifying particulate respirators approved by NIOSH. The proposed new requirements specify TIL minimum performance requirements and testing to be conducted by NIOSH and respirator manufacturers to demonstrate that these respirators, when selected and used correctly, provide effective respiratory protection to intended users against toxic dusts, mists, fumes, fibers, and biological and infectious aerosols (*e.g.* influenza A(H5N1), severe acute respiratory syndrome (SARS) coronavirus, and *Mycobacterium tuberculosis*).

**DATES:** *Meeting:* A public meeting on the proposed rule will be held on December 3, 2009. Details concerning those meetings are in the **SUPPLEMENTARY INFORMATION** section below.

*Comments:* As established in the proposed rule of October 30, 2009 (74 FR 56141), all written comments must be received on or before December 29, 2009.

**ADDRESSES:** You may submit comments, identified by RIN: 0920-AA33, by any of the following methods:

• *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

• *E-mail:* [niocindocket@cdc.gov](mailto:niocindocket@cdc.gov). Include "RIN: 0920-AA33" and "42 CFR Part 84" in the subject line of the message.

• *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS-C34, 4676 Columbia Parkway, Cincinnati, OH 45226.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking, RIN: 0920-AA33. All comments received will be posted without change to <http://www.cdc.gov/niosh/docket>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.cdc.gov/niosh/docket>.

**FOR FURTHER INFORMATION CONTACT:** Jonathan V. Szalajda, NIOSH, National Personal Protective Technology Laboratory (NPPTL), Post Office Box 18070, 626 Cochran Mill Road, Pittsburgh, Pennsylvania 15236, telephone (412) 386-5200, facsimile (412) 386-4089, e-mail [zfx1@cdc.gov](mailto:zfx1@cdc.gov).

**SUPPLEMENTARY INFORMATION:** The Department of Health and Human Services published a proposed rule on the Total Inward Leakage Requirements for Respirators on Friday, October 30, 2009 (74 FR 56141).

NIOSH will hold a public meeting on the proposed rule at the following time and location: December 3, 2009, beginning at 8:30 a.m. EST and ending at 4 p.m. EST, or after the last public commenter has spoken, whichever is earlier, at the Marriot Inn and Conference Center UMUC, 3501 University Boulevard E., Adelphi, MD 20783.

Requests to make presentations at the public meeting should be mailed to the NIOSH Docket Office, Robert A. Taft Laboratories, MS-C34, 4676 Columbia Parkway, Cincinnati, OH 45226. Requests may also be submitted by telephone (513) 533-8611, facsimile (513) 533-8285, or e-mailed to [niocindocket@cdc.gov](mailto:niocindocket@cdc.gov).

All requests to present should contain the name, address, telephone number and relevant business affiliations of the presenter, and the approximate time requested for the presentation. Oral presentations should be limited to 15 minutes.

After reviewing the requests for presentations, NIOSH will notify the presenter that his/her presentation is scheduled. If a participant is not present

when his/her presentation is scheduled to begin, the remaining participants will be heard in order. After the last scheduled speaker is heard, participants who missed their assigned times may be allowed to speak limited by time available. Attendees who wish to speak but did not submit a request for the opportunity to make a presentation may be given this opportunity after the scheduled speakers are heard, at the discretion of the presiding officer and limited by time available.

This meeting will also be using Audio/LiveMeeting Conferencing, remote access capabilities where interested parties may listen in and review the presentations over the internet simultaneously. Parties remotely accessing the meeting will have the opportunity to comment during the open comment period. To register to use this capability, please contact the National Personal Protective Technology Laboratory (NPPTL), Policy and Standards Development Branch, Post Office Box 18070, 626 Cochran Mill Road, Pittsburgh, PA 15236, telephone (412) 386-5200, facsimile (412) 386-4089. This option will be available to participants on a first come, first serve basis and is limited to the first 50 participants.

Dated: November 6, 2009.

**James Stephens,**

*Associate Director of Science, Centers for Disease Control and Prevention.*

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**BILLING CODE 4163-19-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Parts 10, 11, 12, and 15

[Docket No. USCG-2004-17914]

RIN 1625-AA16

#### Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of public meetings; request for comments.

**SUMMARY:** The Coast Guard announces a series of public meetings to receive comments on a notice of proposed rulemaking (NPRM) entitled "Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for

Seafarers, 1978" that published in the **Federal Register** on November 17, 2009. As stated in that document, the proposed amendments seek to more fully incorporate the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW Convention), as well as the Seafarer's Training, Certification and Watchkeeping Code (STCW Code) in the requirements for the credentialing of United States merchant mariners.

**DATES:** Public meetings will be held on the following dates:

- Tuesday, December 1, 2009, in Miami, FL from 9 a.m. until noon;
- Wednesday, December 2, 2009, in NY from 9 a.m. until noon;
- Wednesday, December 9, 2009, in New Orleans, LA from 9 a.m. until noon;
- Friday, December 11, 2009, in Seattle, WA from 9 a.m. until noon;
- Wednesday, January 20, 2010, in Washington, DC from 10 a.m. until 1 p.m.

Written comments and related material may also be submitted to Coast Guard personnel specified at those meetings for inclusion in the official docket for this rulemaking. The comment period for the NPRM closes on February 16, 2010. All comments and related material submitted after the meeting must either be submitted to our online docket via <http://www.regulations.gov> on or before February 16, 2010 or reach the Docket Management Facility by that date.

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

- Tuesday, December 1, 2009, at the Marriott Miami Airport Hotel, 1201 NW LeJeune Road, Miami, FL 33126 from 9 a.m. until noon;
- Wednesday, December 2, 2009, at the Marriott New York LaGuardia Airport Hotel, 102-05 Ditmars Blvd, East Elmhurst, NY 11369 from 9 a.m. until noon;
- Wednesday, December 9, 2009, at the Renaissance Arts Hotel, 700 Tchoupitoulas Street, New Orleans, LA 70130 from 9 a.m. until noon;
- Friday, December 11, 2009, at the Marriott Seattle Airport Hotel, 3201 South 176th Street, Seattle, WA 98188 from 9 a.m. until noon;
- Wednesday, January 20, 2010, at United States Coast Guard Headquarters Building, Room 2415, 2100 Second Street, SW., Washington, DC 20593 from 10 a.m. until 1 p.m. **Note:** A government-issued photo identification (for example, a driver's license) will be required for entrance to the building. Live Webcasts (audio and video) of the four public meetings to be held in