

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2012-0724; FRL-9400-5]

Antimony Trioxide TSCA Chemical Risk Assessment; Notice of Public Meetings and Opportunity To Comment**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA's contractor, The Scientific Consulting Group (SCG), Inc., has identified a panel of scientific experts to conduct a peer review of EPA's draft Toxic Substances Control Act (TSCA) chemical risk assessment, "TSCA Workplan Chemical Risk Assessment for Antimony Trioxide." EPA will hold three peer review meetings by web connect and teleconference. EPA invites the public to register to attend the meetings as observers and/or speakers providing oral comments during any or all of the peer review meetings as discussed in this notice. The public may also provide comment on whether they believe the appearance of conflict of interest exists for any proposed peer review panel expert.

DATES: *Meetings.* The peer review meetings will be held on Wednesday, October 16, 2013, from 10:30 a.m. to 12:30 p.m., EDT; Thursday, October 31, 2013, from noon to 5:00 p.m., EDT; and Wednesday, November 14, 2013, from noon to 2:00 p.m., EST.

Conflict of interest comments. Comments on the appearance of a conflict of interest for any proposed peer review panel expert must be submitted on or before October 18, 2013.

Comments. Written comments must be submitted on or before November 7, 2013, to be sure they are contained in the peer review record and are available to the peer reviewers.

Registration for meetings: To participate in any of the public peer review meetings, you must register no later than 11:59 p.m., EDT, on October 13, 2013.

ADDRESSES: *Meetings.* Meetings will be held via web connect and teleconferencing. See Unit III.C. in

SUPPLEMENTARY INFORMATION.

Registration. See Unit III. in **SUPPLEMENTARY INFORMATION.**

Comments. Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2012-0724, by one of the following methods:

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

- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Hand Delivery:* OPPT Document Control Office (DCO), EPA William Jefferson Clinton Complex East, Rm. 6428, 1201 Constitution Ave. NW., Washington, DC. ATTN: Docket ID Number EPA-HQ-OPPT-2012-0724. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPPT-2012-0724. EPA's policy is that all comments received will be included in the 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 www.regulations.gov or email. The 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 www.regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the 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.

Docket: All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket

materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA William Jefferson Clinton Complex West, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Stan Barone, Jr., Risk Assessment Division (7403M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-1169; email address: barone.stan@epa.gov.

For peer review meeting logistics or registration contact: Susie Warner, Scientific Consulting Group (SCG), Inc., 656 Quince Orchard Rd., Suite 210, Gaithersburg, MD 20878-1409; telephone number: (301) 670-4990, ext. 227; fax number: (301) 670-3815; email address: SWARNER@scgcorp.com.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this action apply to me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including those interested in environmental and human health assessment, the chemical industry, chemical users, consumer product companies, and members of the public interested in the assessment of chemical risks. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through www.regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

On January 9, 2013, EPA published a notice in the **Federal Register** (78 FR 1856) (FRL-9375-1) on the availability of five draft TSCA chemical risk assessments for public comment. The Agency also asked for nominations for external experts to conduct peer reviews of the draft TSCA risk assessments, including one titled, "TSCA Workplan Chemical Risk Assessment for Antimony Trioxide (ATO)." Antimony trioxide (CASRN 1309-64-4) is one of 83 chemicals identified for review and

assessment in EPA's TSCA Workplan, which was released on March 1, 2012, at <http://www.epa.gov/oppt/existingchemicals/pubs/workplans.html>.

This information is distributed solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. It has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency determination or policy.

The draft ATO TSCA risk assessment is being peer reviewed consistent with guidelines for the peer review of influential scientific information and highly influential scientific assessments. EPA asked a contractor, SCG, to assemble a panel of experts to evaluate the draft ATO TSCA risk assessment report for specific uses of ATO. SCG evaluated 4 candidates that were nominated as peer reviewers by the February 8, 2013 deadline established in the January 9, 2013 **Federal Register** notice and evaluated over 100 additional experts before submitting the proposed peer review panel members. The proposed peer review panel was vetted by the contractor for conflict of interest and the appearance of bias according to Agency peer review guidance as detailed in the contract. This proposed peer review panel includes: Anne Fairbrother (chair), Vincent Rudigar Battersby, Jim Deyo, Bruce Hope, Larry Kapustka, Wayne Landis, David Ostrach, Daniel Schlenk, Erik Smolders, and Maria Soledad Supelveda.

The biographies are available in the docket (docket ID number EPA-HQ-OPPT-2012-0724). The public may provide comments to the same docket for the draft ATO TSCA risk assessment on the appearance of a conflict of interest for any proposed peer review panel member. This comment period on the peer review panel membership closes on October 18, 2013. The final list of peer review panel members will be available on the SCG's Web site at <http://www.scgcorp.com>.

The peer review panel is responsible for the review of the scientific and technical merit of the draft ATO TSCA risk assessment, which is available through <http://www.regulations.gov> and at <http://www.epa.gov/oppt/existingchemicals/pubs/workplans.html>. The peer review panel will not address potential policy implications or risk management options that may result from the draft ATO TSCA risk assessment. Members of the public may register to attend any or all three meetings as observers and may also register to offer oral comments on

each day of the meetings. A registered speaker is encouraged to focus on issues directly relevant to science-based aspects of the draft ATO TSCA risk assessment.

The first peer review meeting on October 16, 2013, will be dedicated to hearing registered speakers' oral comments on the draft ATO TSCA risk assessment and reviewing the charge to the peer reviewers. Each speaker is allowed between 3-5 minutes, depending on the number of registered speakers. Given time constraints, a maximum of 30 speakers will be allowed to offer comments. If more than 30 speakers register to provide oral comments, speakers will be selected by SCG in a manner designed to optimize representation from all organizations, affiliations, and present a balance of science issues relevant to the Agency's TSCA risk assessment. Peer review panel members will have access to written comments and materials and electronic materials submitted to the docket by November 7, 2013. Registered observers and speakers will not be allowed to distribute any written comments or materials or electronic materials directly to the peer review panel members. To submit written comments, please follow one of the methods outlined in **ADDRESSES**. The public comment period closes on October 23, 2013.

The second peer review panel meeting on October 31, 2013, will be devoted to deliberations of the draft ATO TSCA risk assessment by the peer review panel, guided by the charge questions to the peer review panel.

The third and final peer review panel meeting on November 14, 2013, will focus on the peer review panel's discussion of its draft ATO TSCA risk assessment recommendations to EPA, which will be posted on the contractor Web site prior to the final peer review meeting. The final peer review panel report will be prepared by SCG and made available to the public according to the Agency peer review guidance at <http://www.epa.gov/peerreview>. EPA will consider SCG's peer review panel report of the comments and recommendations from the three peer review meetings, as well as written comments and materials and electronic materials in the docket at <http://www.regulations.gov>, as it proceeds to finalize the ATO TSCA risk assessment.

If potential risks are indicated in the revised risk assessment following peer review and public comment, the Agency will take the necessary risk reduction efforts as warranted. If no risks are identified in the revised risk assessment following revision in response to peer

review, then the Agency may conclude its work on the chemical being assessed.

III. How can I request to participate in these meetings?

A. Registration

To attend the peer review meetings, you must register for the meeting no later than 11:59 p.m., EDT, on October 13, 2013. To register for the meeting, go to www.scgcorp.com/ATO2013, complete the online registration form, and submit the required information. You may also register through the U.S. Postal Service or by overnight/priority mail by sending the necessary registration information (see Unit III.B.) to the SCG Meeting Coordinator, Ms. Susie Warner. The U.S. Postal Service or overnight/priority mail address is: The Scientific Consulting Group, Inc., 656 Quince Orchard Rd., Suite 210, Gaithersburg, MD 20878-1409. For questions or additional information, contact Ms. Warner by: Telephone number: (301) 670-4990, ext. 227; fax: (301) 670-3815; or email: SWARNER@scgcorp.com. Registrations sent via U.S. Postal Service or overnight/priority mail must be received no later than 11:59 p.m., EDT, on September 23, 2013. There will be no on-site registration, so members of the public who do not register by 11:59 p.m., EDT, on October 13, 2013, using one of the methods described in this unit, may not receive web access information in time to attend the first peer review meeting.

B. Required Registration Information

Members of the public may register to attend any or all three meetings as observers, or register to speak if planning to offer oral comments during the scheduled public comment session of a meeting. To register for the meetings online or by mail, you must provide your full name, organization or affiliation, and contact information. You must also indicate which meetings you plan to attend and if you would like to speak during the scheduled public comment session of a meeting. If you register to speak, you must also indicate if you have any special requirements related to your oral comments (e.g., translation).

If you indicate that you wish to speak, you will be asked to select one category most closely reflecting the content of your oral comments. These comment categories related to the charge questions are:

1. General comments on the risk assessment document.
2. Comments on the exposure assessment.
3. Comments on the hazard assessment.

4. Comments on the risk characterization.

5. Other issues.

Should more than 30 speakers register for a single meeting, these categories will be used to ensure that a balance of substantive science issues relevant to the assessment is heard. Additional information on the selection of speakers and speaking times will be sent out by SCG 3 days prior to each peer review meeting to all individuals registered to speak.

To accommodate as many registered speakers as possible, registered speakers may present oral comments only, without visual aids or written material. Peer review panel members will have access to any written comments and materials and electronic materials previously submitted to the docket. Registered observers and speakers will not be allowed to distribute any written comments and materials or electronic materials directly to the peer review panel members.

C. Web Meeting Access

Each peer review meeting will be held via web connect and teleconferencing. SCG will provide all registered participants with information on how to participate in advance of the first peer review meeting.

List of Subjects

Environmental protection, Antimony trioxide, Chemicals, Peer review, Risk assessments.

Dated: September 18, 2013.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9901-45-Region2]

New York State Prohibition of Discharges of Vessel Sewage; Receipt of Petition and Tentative Affirmative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Receipt of petition and tentative affirmative determination.

SUMMARY: Notice is hereby given that, pursuant to Clean Water Act Section 312(f)(3), the State of New York has determined that the protection and enhancement of the quality of the New York State (NYS or the State) area of Lake Erie requires greater environmental protection, and has petitioned the

United States Environmental Protection Agency, Region 2, for a determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for those waters, so that the State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters.

NYS has proposed to establish a "Vessel Waste No Discharge Zone" for the NYS area of Lake Erie stretching from the Pennsylvania-New York State boundary to include the upper Niagara River to Niagara Falls. The proposed No Discharge Zone encompasses approximately 593 square miles and 84 linear shoreline miles, including the navigable portions of the Upper Niagara River and numerous other tributaries and harbors, embayments of the Lake including Barcelona Harbor, Dunkirk Harbor and Buffalo Outer Harbor, and other formally designated habitats and waterways of local, state, and national significance.

On December 6, 2012, the EPA completed the review of NYS's petition and issued a tentative affirmative determination in the **Federal Register** that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels for such waters are reasonably available. During the 30-day public comment period, the EPA received significant comments regarding the availability of adequate pumpouts for commercial vessels. Specifically, two commenters submitted that the December 6, 2012 notice did not contain adequate information about the availability of pumpout facilities for large commercial vessels. Therefore, the EPA and New York State collected additional information to demonstrate the reasonable availability of pumpout services for commercial vessels that use the New York area of Lake Erie. The EPA hereby republishes its tentative affirmative determination with the additional information included.

DATES: Comments regarding this tentative determination are due by October 28, 2013.

Petition: The Lake Erie No Discharge Zone Petition is available at: <http://www.epa.gov/region2/water/permits.html>.

ADDRESSES: You may submit comments by any of the following methods:

- *Email:* chang.moses@epa.gov. Include "Comments on Tentative Affirmative Decision for NYS Lake Erie NDZ" in the subject line of the message.
- *Fax:* 212-637-3891.
- *Mail and Hand Delivery/Courier:* Moses Chang, U.S. EPA Region 2, 290