

at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The 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 OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

II. What action is the Agency taking?

Under EPA contract number GS-35F-0601K, order number EP-G12H-00442, contractor ECS of 2750 Prosperity Avenue, Suite 600, Fairfax, VA; Agensys Corporation of 23700 Pebble Run Place, Suite 100, Ashburn, VA; Apex Systems of 5430 Wade Park Boulevard, Suite 302, Raleigh, NC; and Tek Systems, Inc. of 7437 Race Road, Hanover, MD are assisting EPA by performing upgrades of EZ Tech managed computers at Headquarters, Research Triangle Park, NC and Cincinnati, OH EPA Program Offices.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number GS-35F-0601K, order number EP-G12H-00442, ECS and its subcontractors required access to CBI submitted to EPA under all section(s) of TSCA to perform successfully the duties specified under the contract. ECS and its subcontractors' personnel were given access to information submitted to EPA under all section(s) of TSCA. Some of the information may have been claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA has provided ECS and its subcontractors access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract is taking place at EPA Headquarters, Research Triangle Park, NC and Cincinnati, OH in accordance with EPA's *TSCA CBI Protection Manual*.

Access to TSCA data, including CBI, will continue until September 20, 2016. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

ECS and its subcontractors' personnel have signed nondisclosure agreements and were briefed on appropriate security procedures before they were permitted access to TSCA CBI.

List of Subjects

Environmental protection,
Confidential business information.

Dated: April 24, 2014.

Sonchi Tran,

*Acting Director, Information Management
Division, Office of Pollution Prevention and
Toxics.*

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2004-0019; FRL-9910-86-OW]

External Peer Review Draft Aquatic Life Ambient Water Quality Criterion for Selenium—Freshwater 2014

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency's (EPA) recommended water quality criteria provide technical information for states and authorized tribes to adopt water quality standards under the Clean Water Act to protect human health. EPA is announcing the release of the External Peer Review Draft Aquatic Life Ambient Water Quality Criterion for Selenium—Freshwater 2014 (EPA-822-P-14-001) for public comment. Following closure of the public comment period, an EPA contractor will organize and conduct an independent expert external letter peer review of the draft criterion document. Public comments will be made available to the peer reviewers for consideration during their review. This external peer review draft criterion document does not represent and should not be construed to represent any final EPA policy, viewpoint, or determination. **DATES:** The public comment period begins on May 14, 2014 and ends on June 13, 2014. Scientific views should be submitted to the public EPA docket by June 13, 2014. Scientific views postmarked after this date may not receive the same consideration.

ADDRESSES: Submit your scientific views, identified by Docket ID No. EPA-HQ-OW-2004-0019, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.
- Email: ow-docket@epa.gov. Attention Docket No. EPA-HQ-OW-2004-0019.
- Mail: EPA Water Docket, Environmental Protection Agency, Mailcode: 2822-IT, 1200 Pennsylvania

Ave. NW., Washington, DC 20460. Attention Docket No. EPA-HQ-OW-2004-0019. Please include a total of two copies (including references).

- Hand Delivery: EPA Water Docket, EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004, Docket No. EPA-HQ-OW-2004-0019. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: EPA's policy is that all comments received will be included in the public docket without change and may be made available online at 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 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>. For additional instructions on submitting comments, go to Section III of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the www.regulations.gov index. 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, will be publicly available only in hard copy. Publicly available docket materials are available

either electronically in www.regulations.gov or in hard copy at the EPA-HQ-OW-2004-0019 Docket, EPA/DC, William Jefferson Clinton Building West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The 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 EPA Water Docket is (202) 566-2426.

FOR FURTHER INFORMATION CONTACT:

Kathryn Gallagher at U.S. EPA, Office of Water, Health and Ecological Criteria Division (4304T), 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: (202) 564-1398; or email: gallagher.kathryn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What are recommended water quality criteria?

EPA's recommended water quality criteria are scientifically derived numeric values that protect aquatic life or human health from the deleterious effects of pollutants in ambient water.

Section 304(a)(1) of the Clean Water Act (CWA) requires EPA to develop and publish and, from time to time, revise, criteria for protection of water quality and human health that accurately reflect the latest scientific knowledge. Water quality criteria developed under section 304(a) are based solely on data and scientific judgments on the relationship between pollutant concentrations and environmental and human health effects. Section 304(a) criteria do not reflect consideration of economic impacts or the technological feasibility of meeting pollutant concentrations in ambient water.

EPA's recommended Section 304(a) criteria provide technical information to states and authorized tribes in adopting water quality standards that ultimately provide a basis for assessing water body health and controlling discharges or releases of pollutants. Under the CWA and its implementing regulations, states and authorized tribes are to adopt water quality criteria to protect designated

uses (e.g., public water supply, aquatic life, recreational use, or industrial use). EPA's recommended water quality criteria do not substitute for the CWA or regulations, nor are they regulations themselves. EPA's recommended criteria do not impose legally binding requirements. States and authorized tribes have the discretion to adopt, where appropriate, other scientifically defensible water quality criteria that differ from these recommendations.

II. What is selenium and why is EPA concerned about it?

Selenium is a naturally occurring chemical element that is nutritionally essential in small amounts, but toxic at higher concentrations. Selenium can be released to the environment by a number of anthropogenic sources, such as coal mining, coal-fired power plants (fly ash), irrigated agriculture, and phosphate mining. Selenium is a bioaccumulative pollutant. Fish and other aquatic organisms are exposed and accumulate selenium primarily through their diet, and not directly through water. Selenium toxicity in fish occurs primarily through maternal transfer to the eggs and subsequent reproductive effects. Consequently, EPA is working on an update to its national recommended chronic aquatic life criterion for selenium in freshwater to reflect the latest scientific information, which indicates that selenium toxicity to aquatic life is primarily driven by organisms consuming selenium-contaminated food rather than by being directly exposed to selenium dissolved in water.

III. Information on the External Peer Review Draft Aquatic Life Ambient Water Quality Criterion for Selenium—Freshwater 2014

EPA has prepared an external peer review draft aquatic life criterion document for selenium based on the latest scientific information and current EPA policies and methods, including EPA's *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses* (1985) (EPA/

R-85-100) and *Guidelines for Ecological Risk Assessment* (1998) (EPA/630/R-95/002F). Toxicity data and other information on the effects of selenium were obtained from reliable sources and subjected to both internal, and in some cases external, peer review. Public comments previously collected in response to EPA's 2004 notice of availability (published on December 17, 2004 at 69 FR 75541) and new toxicity data for selenium developed in response to those comments (EPA-822-F-08-005) were also considered in the development of the external peer review draft criterion document.

The external peer review draft criterion has four elements, consisting of two fish tissue-based and two water column-based elements. The external peer review draft criterion document contains a recommendation that states and authorized tribes adopt into their water quality standards a selenium criterion that includes all four elements. The draft criterion document goes on to recommend that (because fish tissue-based concentration is a more direct measure of selenium toxicity to aquatic life than water column concentrations) fish tissue elements be given precedence over the water column elements when both types of data are available.

The available data indicate that freshwater aquatic life would be protected from the toxic effects of selenium by applying the following four-element criterion:

1. The concentration of selenium in the eggs or ovaries of fish does not exceed 15.2 mg/kg, dry weight;¹

2. The concentration of selenium (a) in whole-body of fish does not exceed 8.1 mg/kg dry weight, or (b) in muscle tissue of fish (skinless, boneless fillet) does not exceed 11.8 mg/kg dry weight;²

3. The 30-day average concentration of selenium in water does not exceed 4.8 µg/L in lotic (flowing) waters and 1.3 µg/L in lentic (standing) waters more than once in three years on average;³

4. The intermittent concentration of selenium in either a lentic or lotic water, as appropriate, does not exceed

$$WQC_{int} = \frac{WQC_{30-day} - C_{bkgnd}(1 - f_{int})}{f_{int}}$$

more than once in three years on average.^{3,4}

Media Type	Fish Tissue		Water Column ³	
	Criterion Element	Egg/Ovary ¹ Fish Whole-Body or Muscle ²	Monthly Average Exposure	Intermittent Exposure ⁴
Magnitude	15.2 mg/kg	8.1 mg/kg whole body or 11.8 mg/kg muscle (skinless, boneless filet)	1.3 µg/L in lentic aquatic systems 4.8 µg/L in lotic aquatic systems	$WQC_{int} = \frac{WQC_{30-day} - C_{bkgrnd}(1 - f_{int})}{f_{int}}$
Duration	Instantaneous measurement ⁵	Instantaneous measurement ⁵	30 days	Number of days/month with an elevated concentration
Frequency	Never to be exceeded	Never to be exceeded	Not more than once in three years on average	Not more than once in three years on average

¹ Overrides any whole-body, muscle, or water column elements when fish egg/ovary concentrations are measured.

² Overrides any water column element when both fish tissue and water concentrations are measured.

³ Water column values are based on dissolved total selenium in water.

⁴ Where WQC_{30-day} is the water column monthly element, for either a lentic or lotic system, as appropriate. C_{bkgrnd} is the average background selenium concentration, and f_{int} is the fraction of any 30-day period during which elevated selenium concentrations occur, with f_{int} assigned a value ≥ 0.033 (corresponding to 1 day).

⁵ Instantaneous measurement. Fish tissue data provide point measurements that reflect integrative accumulation of selenium over time and space in the fish at a given site. Selenium concentrations in fish tissue are expected to change only gradually over time in response to environmental fluctuations.

The draft criterion document does not include a draft acute criterion (based on water-only exposure) because selenium is bioaccumulative and toxicity primarily occurs through dietary exposure. If there are rare instances where selenium sources could cause acute effects while attaining the chronic criterion concentrations, a pollution control authority could establish a site-specific acute criterion to protect from those effects.

Following closure of the public comment period, a contractor will organize and lead an external expert peer review conducted by letter. The

peer reviewers will have access to public comments received in the official public docket for this activity under docket ID number EPA-HQ-OW-2004-0019. Following peer review, EPA will consider the peer reviewer and public comments, revise the document as necessary, and publish a **Federal Register** notice announcing the availability of the draft proposed selenium criterion and soliciting scientific views for 30 days from the public. EPA will then revise the document again and issue a final updated selenium criterion document.

IV. What is the relationship between the external peer review draft water quality criterion and your state or tribal water quality standards?

As part of the water quality standards triennial review process defined in section 303(c)(1) of the CWA, the states and authorized tribes are responsible for maintaining and revising water quality standards. Water quality standards consist of designated uses, water quality criteria to protect those uses, a policy for antidegradation, and may include general policies for application and implementation. Section 303(c)(1) requires states and authorized tribes to

review and modify, if appropriate, their water quality standards at least once every three years.

States and authorized tribes must adopt water quality criteria that protect designated uses. Protective criteria are based on a sound scientific rationale and contain sufficient parameters or constituents to protect the designated uses. Criteria may be expressed in either narrative or numeric form. States and authorized tribes have four options when adopting water quality criteria for which EPA has published section 304(a) criteria. They can:

(1) Establish numerical values based on recommended section 304(a) criteria;

(2) Adopt section 304(a) criteria modified to reflect site-specific conditions;

(3) Adopt criteria derived using other scientifically defensible methods; or

(4) Establish narrative criteria where numeric criteria cannot be established or to supplement numerical criteria (40 CFR 131.11(b)).

EPA believes that it is important for states and authorized tribes to consider any new or updated section 304(a) criteria as part of their triennial review to ensure that state or tribal water quality standards reflect current science and protect applicable designated uses. The recommendations in the external peer review draft selenium criterion document may change based on scientific views shared in response to this notice and those of the external peer reviewers. Upon finalization, the updated selenium criterion would supersede EPA's previous 304(a) freshwater criteria for selenium.

Consistent with 40 CFR 131.21, new or revised water quality criteria adopted into law or regulation by states and authorized tribes on or after May 30, 2000 are in effect for CWA purposes only after EPA approval.

Dated: May 6, 2014.

Nancy K. Stoner,

Acting Assistant Administrator, Office of Water.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9910-90-OA]

Notification of a Public Teleconference of the Chartered Science Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the Chartered Science Advisory Board Panel to discuss planned actions identified in the agency's regulatory agenda and the adequacy of their supporting science.

DATES: The public teleconference will be held on Wednesday, June 11, 2014 from 11:00 a.m. to 1:00 p.m. (Eastern Time).

Location: The public teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public meeting may contact Dr. Angela Nugent, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; by telephone/voice mail at (202) 564-2218 or at nugent.angela@epa.gov. General information about the SAB as well as any updates concerning the meeting announced in this notice may be found on the EPA Web site at <http://www.epa.gov/sab>.

SUPPLEMENTARY INFORMATION: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB will hold a public meeting to discuss and deliberate on the topics below.

The EPA has recently underscored the need to routinely inform the SAB about proposed and planned agency actions that have a scientific or technical basis. Accordingly, the agency provided notice to the SAB that the Fall 2013 Unified (Regulatory) Agenda and Regulatory Plan had been published on November 26, 2013. This semi-annual regulatory agenda is available at <http://www.reginfo.gov/public/>. At the June 11, 2014 teleconference, the Chartered SAB will discuss whether it should provide advice and comment on the adequacy of the scientific and technical basis for EPA actions included in the Unified (Regulatory) Agenda.

Availability of Meeting Materials: Agendas and materials in support of this meeting will be placed on the EPA Web

site at <http://www.epa.gov/sab> in advance of the meeting.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for EPA. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for SAB panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the Designated Federal Officer directly. **Oral Statements:** In general, individuals or groups requesting an oral presentation at a teleconference will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Dr. Angela Nugent, DFO, in writing (preferably via email) at the contact information noted above by June 4, 2014 for the teleconference, to be placed on the list of public speakers.

Written Statements: Written statements should be supplied to the DFO via email at the contact information noted above by June 4, 2014 for the teleconference so that the information may be made available to the Panel members for their consideration. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.