

U.S. Environmental Protection Agency, Region II, Office of Regional Counsel, New York/Caribbean Superfund Branch, 290 Broadway, 17th Floor, New York, NY 10007-1866.

**DATES:** Comments must be submitted on or before September 28, 2005.

**ADDRESSES:** The proposed PPA and additional background information relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, Region II, Office of Regional Counsel, New York/Caribbean Superfund Branch, 290 Broadway, 17th Floor, New York, NY 10007-1866. A copy of the proposed PPA may be obtained from the individual listed below. Comments should reference the Circuitron Corporation Superfund Site, East Farmingdale, Suffolk County, New York and EPA Index No. CERCLA-02-2005-2018, and should be addressed to the individual listed below.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Garvey, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, NY 10007-1866, Telephone: (212) 637-3181.

Dated: August 19, 2005.

**Dore LaPosta,**

*Acting Regional Administrator, Region II.*

[FR Doc. 05-17188 Filed 8-26-05; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7962-1]

### Proposed CERCLA Administrative Cost Recovery Settlement; The Vega Alta Public Supply Wells Superfund Site, Vega Alta, PR

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act as amended ("CERCLA"), 42 U.S.C. 9622(h), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Vega Alta Public Supply Wells Superfund Site located in Vega Alta, Puerto Rico with the settling parties, Caribe General Electric Products, Inc. and Unisys Corporation. The settlement requires the settling parties to pay \$858,433.41, plus an

additional sum for Interest on that amount calculated from January 28, 2004 through the date of payment to the Vega Alta Public Supply Wells Superfund Site Special Account within the EPA Hazardous Substance Superfund in reimbursement of EPA's past response costs incurred with respect to the Site. The settlement includes a covenant not to sue the settling party pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a) for past response costs. For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

**DATES:** Comments must be submitted on or before September 28, 2005.

**ADDRESSES:** The proposed settlement is available for public inspection at USEPA, 290 Broadway, 17th Floor, New York, New York 10007-1866. A copy of the proposed settlement may be obtained from Marla E. Wieder, Assistant Regional Counsel, USEPA, 290 Broadway, 17th Floor, New York, New York 10007-1866, (212) 637-3184. Comments should reference the Vega Alta Public Supply Wells Superfund Site, CERCLA Docket No. 02-2005-2029. To request a copy of the proposed settlement agreement, please contact the individual identified below.

**FOR FURTHER INFORMATION CONTACT:** Marla E. Wieder, Assistant Regional Counsel, USEPA, 290 Broadway, New York, New York 10007-1866, (212) 637-3184.

Dated: August 18, 2005.

**Kathleen Callahan,**

*Acting Regional Administrator, U.S.*

*Environmental Protection Agency, Region II.*

[FR Doc. 05-17189 Filed 8-26-05; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2005-0032; FRL-7730-7]

### TSCA Section 21 Petition; Response to Citizen's Petition

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

**ACTION:** Notice.

**SUMMARY:** On May 13, 2005, the Ecology Center of Ann Arbor, Michigan, petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA) to

establish regulations prohibiting the manufacture, processing, distribution in commerce, use, and improper disposal of lead wheel balancing weights. For the reasons set forth in this notice, EPA has denied the petition to initiate rulemaking. In this notice, the Agency elaborates the reasons for its denial and the type of information it may need.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1401; e-mail address: [TSCAHotline@epa.gov](mailto:TSCAHotline@epa.gov).

For technical information contact: Dave Topping, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-1974; e-mail address: [topping.dave@epa.gov](mailto:topping.dave@epa.gov).

## SUPPLEMENTARY INFORMATION:

### I. General Information

#### A. Does this Action Apply to Me?

You may potentially be affected by this action if you manufacture, import, process, use, distribute, or dispose of lead wheel balancing weights or are an automobile tire retailer. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

#### B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT-2005-0032. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. 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. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to

4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566-1744, and the telephone number for the OPPT Docket, which is located in the EPA Docket Center, is (202) 566-0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgrstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, to 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. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work toward providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

## II. Background

### A. What is a TSCA Section 21 Petition?

Section 21 of TSCA allows citizens to petition EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under TSCA section 4, 6, or 8 or an order under section 5(e) or 6(b)(2). A TSCA section 21 petition must set forth facts that the petitioner believes

establish the need for the action requested. EPA is required to grant or deny the petition within 90 days of its filing. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding. If EPA denies the petition, the Agency must publish its reasons for the denial in the **Federal Register**. Within 60 days of denial, or the expiration of the 90-day period, if no action is taken, the petitioners may commence a civil action in a U.S. District Court to compel initiation of the requested rulemaking proceeding.

### B. What Action is Requested Under This TSCA Section 21 Petition?

On May 13, 2005, EPA received a petition under TSCA section 21 from the Ecology Center of Ann Arbor, Michigan. The petition requests that EPA initiate a rulemaking under TSCA section 6(a)(1)(A) to prohibit the manufacture, processing, distribution in commerce, use, and improper disposal of lead wheel balancing weights.

To promulgate a rule under TSCA section 6(a), EPA must find that there is a "reasonable basis to conclude" that activities involving a chemical substance or mixture present or will present "an unreasonable risk of injury to health or the environment." It is important to note that TSCA section 6 does not require a factual certainty, but only a "reasonable basis to conclude" that a risk is unreasonable. The legislative history of TSCA makes it clear that EPA may take regulatory action to prevent harm even though there are uncertainties as to the threshold levels of risk. Congress recognized that "such action must be based not only on consideration of facts but also on consideration of scientific theories, projections of trends from currently available data, modeling using reasonable assumptions, and extrapolations from limited data." (H.R. Rep. No. 1341, 94th Cong., 2d Sess. 32 (1976).)

Although TSCA uses unreasonable risk as its basic standard for deciding on appropriate action regarding the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, TSCA does not define the term "unreasonable risk." Guidance is provided by section 6(c), which requires certain considerations in promulgating a rule under section 6(a). EPA must consider the following: (1) The effects of the chemical on health and the magnitude of human exposure; (2) the effects of the chemical on the environment and the magnitude of environmental exposure; (3) the benefits of the chemical for various uses and the availability of

substitutes for such uses; and (4) the reasonably ascertainable economic consequences of the rule, after consideration of the effect on the national economy, small business, technological innovation, the environment, and public health.

Section 6(c) offers no further guidance to decision-makers. In particular, it does not discuss how each of these factors is to be weighed in relationship to each other. However, the House Report on TSCA (H.R. Rep. No. 1341, 94th Cong., 2d Sess. 13-15 (1976)) provides a useful pertinent explanation. The House Report describes the finding of unreasonable risk as involving a balancing of the probability that harm will occur, and the magnitude and severity of that harm, against the adverse effects (social and economic) on society of the proposed Agency action to reduce the harm.

## III. Disposition of Petition

EPA finds that there are insufficient data available for the Agency to initiate a TSCA section 6 rulemaking at this time. EPA has reviewed the supporting information included with the petition, as well as other available information on lead wheel balancing weights. The petition contains very limited, uncertain evidence on the potential environmental releases from lead wheel balancing weights to the air, surface water, ground water, and soil (particularly regarding potential releases in the proximity of roadways and potential releases to particularly sensitive environments or human and ecological populations). Some estimates of potential releases of lead from lead wheel balancing weights to the environment are available within references noted within the petition, or within other sources available in the literature. However, EPA needs additional, verifiable data in order to develop an adequate understanding of the environmental and human exposure associated with releases to the environment from lead wheel balancing weights.

While the hazard of lead and the fate and transport of lead in the environment are well-characterized, without additional information EPA cannot adequately estimate potential exposures and, thus, potential risks. A literature search conducted by the Agency identified little data beyond that cited by the petitioner. In particular, EPA is interested in the following data:

- The number of sites and number of workers involved in the manufacture, processing, recycling, use, and disposal of lead wheel balancing weights, and any associated exposure of workers to lead.

- Quantities and releases of lead from the point of manufacture of lead wheel weights to the point of deposition on roadways.

- Whether abrasion of lead wheel balancing weights occurs on the road, and if so, the extent of the abrasion and the mass of lead lost from the abrasion.

- The contribution of lead from wheel balancing weights to the overall levels of lead near roadways.

- The quantity of lead from lead wheel balancing weights deposited on roadways that subsequently enters various environmental pathways.

- The percentage of deposited lead that enters each pathway (to determine which pathways are of concern).

- The number of salvage yards, automobile shredders, steel mills, and secondary smelting sites and the quantities of lead that are released from recycling and disposal of lead wheel weights.

- Exposures to hobbyists who melt lead wheel weights to manufacture other items such as fishing sinkers, toy soldiers, and bullets.

While the Agency does not believe information in all of these areas would be necessary, the data currently available are not adequate in any of these areas to support granting the petition or initiating the requested rulemaking; there is insufficient information to adequately estimate potential risks for any one exposure pathway.

In evaluating the petition, the Agency assessed a number of plausible exposure scenarios and associated releases of lead from lead wheel balancing weights in order to identify specific data gaps that should be filled in order to allow a meaningful, realistic assessment of risk. The data gaps are summarized above and the details are presented in the following documents, which are found in the public docket for today's notice:

- *Preliminary Exposure Assessment Support Document for the TSCA Section 21 Petition on Lead Wheel-Balancing Weights*, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency.

- *Occupational Exposures and Environmental Releases of Lead Wheel-Balancing Weights*, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency.

In addition, the data that are available have significant uncertainties and limitations. The analyses provided by the petitioner in support of statements regarding potential exposure raise several concerns, including: (1) Limitations in scope, both geographically and temporally; (2) potential limitations in the calculated

lead wheel balancing weight releases during the weekly surveys that supported these analyses; (3) lack of data on potential routes of exposure from roadways to humans and the environment; and (4) lack of data on lead in soil, dust, and water near the test area to help establish a link between lead wheel balancing weights and measured lead in the environment.

Consequently, the Agency concludes that there are currently not enough data on human or environmental exposures to adequately assess the risks from the manufacturing, processing, distribution in commerce, use, or improper disposal of lead wheel balancing weights, and to initiate a TSCA section 6 rulemaking to prohibit these activities, as requested by the petitioner. In addition, due to the data limitations, the Agency has no basis to determine how significant the contribution of lead to the environment from wheel weights is and whether a rulemaking to address lead wheel weights would be an effective use of Agency resources.

However, while EPA cannot at present initiate a rulemaking under TSCA section 6, the Agency is concerned about the potential contribution of lead wheel weights and other products that contain lead to elevated blood lead levels in children. Nationally, the primary source of elevated blood lead levels in children is lead-based paint used before the product was banned in 1978. There are other sources, however, which may contribute to elevated blood lead levels, perhaps significantly. These sources include certain products that contain lead (such as wheel weights), historical contamination of soil, certain foods and folk remedies that contain lead, and releases from stationary sources. (For more information, see <http://www.cdc.gov/nceh/lead/fqa/about.htm>.) As part of the Federal Government's effort to meet its goal to eliminate lead poisoning in children by 2010, EPA is working with the Centers for Disease Control and Prevention and other Federal Partners to characterize and address these other sources of lead exposure in children. As part of its focus on children's exposure to lead, EPA is developing an approach to prioritize for further analysis and action the variety of products containing lead, that would be subject to TSCA and/or voluntary initiatives, including lead wheel weights.

#### IV. Comments Received

EPA received nine comments in response to the **Federal Register** notice published June 21, 2005 (70 FR 35667)

(FRL-7720-5), announcing EPA's receipt of this TSCA section 21 petition.

Three comments were received from members of the public and one from an environmental organization (The Department of the Planet Earth) supporting the petition. These commenters cited the toxicity of lead. None provided any technical data regarding exposure to lead from wheel balancing weights.

Two States (Maine and Minnesota) submitted comments and supported the petition. The State of Maine noted that State water quality data indicate many locations where lead in road and parking lot runoff exceed Ambient Water Quality Standards. This commenter stated that lead is a persistent, bioaccumulative toxic chemical and that a transition to non-lead wheel weights would be a good practical step if less-toxic alternatives are cost effective and available. However, the comment provided no basis for attributing the lead in road and parking lot runoff to wheel weights. The Minnesota Office of Environmental Assistance noted that their State fleet of vehicles had participated in a pilot project to evaluate alternative wheel balancing weights and believes that the lead weights could be replaced with alternatives. They also noted their concern with exposures to people who make products from used lead wheel balancing weights and problems with lead in the waste streams from electric arc furnaces that recycle scrap automobiles.

Three trade associations submitted comments. The Association of Battery Recyclers (ABR) and the Tire Industry Association opposed the petition on the basis that no information is available to demonstrate any exposure to lead from wheel balancing weights. The Steel Manufacturers Association supports the petition, noting that a prohibition would reduce the contamination of scrap metal feedstock with lead, which contributes to the hazardous waste stream from electric arc furnaces that process scrap automobiles. They provided no information on lead exposure from wheel balancing weights.

BFS Retail Commercial Operations, LLC, which operates more than 2,200 consumer and commercial vehicle service and tire locations across the United States and Canada, commented that it did not support a ban on lead wheel balancing weights at this time. The commenter opined that there is a lack of substitute materials readily available in the marketplace, a lack of manufacturing capacity for such substitutes, and a lack of consensus in the industry on substitute materials that

would be likely to lead to confusion and additional costs in the marketplace. Further, the commenter noted a lack of basic research on the environmental consequences of substitute materials and their effectiveness as a replacement for lead in wheel balancing weights.

ABR initially requested an extension of the comment period but later timely submitted its comments. EPA has considered these comments in responding to the petition.

#### List of Subjects

Environmental protection.

Dated: August 10, 2005.

**Susan B. Hazen,**

*Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*

[FR Doc. 05-17129 Filed 8-26-05; 8:45 am]

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## FEDERAL RESERVE SYSTEM

### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Board of Governors of the Federal Reserve System.

#### SUMMARY

##### Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

#### Request for Comment on Information Collection Proposal

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published

for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Comments must be submitted on or before October 28, 2005.

**ADDRESSES:** You may submit comments, identified by unnum Regulation M, by any of the following methods:

- Agency Web site: <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.

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

- E-mail: [regs.comments@federalreserve.gov](mailto:regs.comments@federalreserve.gov). Include docket number in the subject line of the message.

- FAX: 202/452-3819 or 202/452-3102.

- Mail: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's Web site at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP-500 of the Board's Martin Building (20th and C Streets, NW.), between 9 a.m. and 5 p.m. on weekdays.

**FOR FURTHER INFORMATION CONTACT:** A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83-I), supporting statement, and other documents that

will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Michelle Long, Federal Reserve Board Clearance Officer (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact (202-263-4869), Board of Governors of the Federal Reserve System, Washington, DC 20551.

*Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following report:*

*Report title:* The Recordkeeping and Disclosure Requirements in Connection with Regulation M (Consumer Leasing).

*Agency form number:* Reg M.

*OMB control number:* 7100-0202.

*Frequency:* On occasion.

*Reporters:* Consumer lessors.

*Annual reporting hours:* Disclosures, 3,509 hours; and advertising, 25 hours.

*Estimated average hours per response:* Disclosures, 6.5 minutes; and advertising, 25 minutes.

*Number of respondents:* 270.

*General description of report:* This information collection is mandatory sections 105(a) and 187 of TILA (15 U.S.C. 1604(a) and 1667(f)) is not given confidential treatment.

*Abstract:* The Consumer Leasing Act and Regulation M are intended to provide consumers with meaningful disclosures about the costs and terms of leases for personal property. The disclosures enable consumers to compare the terms for a particular lease with those for other leases and, when appropriate, to compare lease terms with those for credit transactions. The act and regulation also contain rules about advertising consumer leases and limit the size of balloon payments in consumer lease transactions. The information collection pursuant to Regulation M is triggered by specific events. All disclosures must be provided to the lessee prior to the consummation of the lease and when the availability of consumer leases on particular terms is advertised.

Board of Governors of the Federal Reserve System, August 24, 2005.

**Jennifer J. Johnson,**  
*Secretary of the Board.*

[FR Doc. 05-17134 Filed 8-26-05; 8:45 am]

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