in its penalty calculation to consider material evidence regarding the magnitude of the violations to the local community. Petitioners cited, among other considerations, that Lake Michigan is a source of drinking water for residents of the City of Chicago and surrounding region and that the March 24, 2014 discharge of oil from the Facility into Lake Michigan occurred only a few miles from the structures operating in Lake Michigan to collect that drinking water. Petitioners further argued that the violations were part of a broader environmental crisis perpetuated by Respondent. The undersigned determined that while Complainant did not provide a detailed explanation of how the civil penalty assessed in the proposed CAFO had been calculated, and in particular an account of how the environmental impact of the alleged violations on the community, if any, was considered, it had considered and responded to Petitioners' arguments in its Response to Comments and Response to Petition. The undersigned further found that Petitioners had produced no evidence to support their position or rebut Complainant's position that it had properly implemented the applicable policy governing its calculation and negotiation of the penalty assessed in the proposed CAFO. The undersigned concluded that Petitioners had not met the burden of demonstrating that the matters they raised with respect to the assessment of a higher penalty constituted material and relevant evidence that Complainant failed to consider in agreeing to the proposed CAFO. Thus, Petitioners' claim in this regard was denied.

Second, Petitioners urged that an additional fine of $100,000 be levied against Respondent for its purported culture of indifference towards health and safety, which, according to Petitioners, was evident from the violations Respondent has committed and the ineffective responses it has undertaken over many years. In considering this issue, the undersigned first noted that EPA is limited to imposing the maximum penalty permitted under applicable law for the violations alleged and determining the penalty based on the statutory factors and that Petitioners failed to cite any legal authority allowing EPA to impose a fine beyond the maximum statutory penalty. The undersigned then noted that Petitioners also failed to offer any argument or evidence rebutting Complainant's position that it had properly implemented the applicable policy governing its calculation and negotiation of the penalty assessed in the proposed CAFO, which takes the statutory penalty factors into account. Accordingly, the undersigned found that with respect to this issue, Petitioners did not present any fact or argument relevant and material to the proposed CAFO that was not already considered by Complainant. Thus, the claim was denied.

Third, Petitioners urged that a Supplemental Environmental Project (SEP) be incorporated into the proposed CAFO for local projects and that local residents be included in the projects. In association with those requests, Petitioners questioned the manner in which funds for SEPs were distributed by EPA and the Department of Justice and asserted that residents had not been included in projects occurring in the Lake George Branch of the Indiana Harbor Ship Canal. The undersigned found that as Complainant had stated in its Response to Comments and Response to Petition, EPA lacks the legal authority to demand a SEP or control the distribution of civil penalty funds. The undersigned concluded that given this lack of authority, the issues raised by Petitioners with regard to a SEP were immaterial to the issuance of the proposed CAFO. Thus, this claim was denied.

Fourth, Petitioners urged that an independent advisory committee and environmental monitoring program for Respondent's wastewater treatment plant be created. Petitioners then questioned Respondent's community outreach activities, which Complainant had referenced in its Response to Comments. The undersigned found that as argued by Complainant in its Response to Petition, EPA lacks the legal authority under section 311(b)(6) of the CWA to establish advisory committees or environmental monitoring programs or compel Respondent to engage in outreach activities. The undersigned concluded that given the absence of any material and relevant issue not considered by Complainant with respect to the course of action requested by Petitioners, their claim in this regard was also denied.

Having found that Petitioners failed to present any relevant and material evidence that had not been adequately considered and responded to by Complainant in agreeing to the proposed CAFO, the undersigned then addressed Petitioners' requests for a public hearing in their Comments and Petition. Noting that Petitioners appeared to seek a public forum, at least in part, for the parties to explain the meaning of the proposed CAFO to the public, the undersigned observed that section 311(b)(6)(B)(ii) of the CWA and the Rules of Practice provide, not for a meeting of that nature, but rather a hearing at which evidence is presented for the purpose of determining whether Complainant met its burden of proving that Respondent committed the violations as alleged and that the proposed penalty is appropriate based on applicable law and policy. The undersigned noted that Petitioners did not specifically identify any testimonial or documentary evidence that they would present at any such hearing. The undersigned further noted that Petitioners did not offer in either their Comments or the Petition any relevant and material evidence or arguments that had not already been adequately addressed by Complainant. For these reasons, the undersigned found that resolution of the proceeding by the parties would be appropriate without a hearing.

The undersigned thus issued the Order Denying Petition to Set Aside Consent Agreement and Proposed Final Order.

Dated: May 8, 2018.

Susan L. Biro,

Chief Administrative Law Judge.

[FR Doc. 2018–10568 Filed 5–16–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0617; FRL–9977–37]

FIFRA Scientific Advisory Panel; Notice of 4-Day In-Person Meeting Location; Notice of Public Preparatory Webcast Meeting; Request for Comments on Prospective Candidate Ad Hoc Reviewers; Extension of Written Comment Periods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The July 17–20, 2018, in-person meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to consider and review Resistance of Lepidopteran Pests to *Bacillus thuringiensis* (Bt) Plant Incorporated Plants in the U.S will be held in the Rosslyn Ballroom at the Holiday Inn Rosslyn at Key Bridge, 1900 North Fort Myer Drive, Arlington, VA 22209. For additional information on this in-person meeting, please refer to the March 5, 2018 **Federal Register** (FRL–9971–35). There will be a 2-hour preparatory webcast meeting on June 5, 2018 to consider and review the scope and

clarity of the draft charge questions before the July 17–20, 2018 meeting. In addition, the EPA is announcing and inviting comments on the experts currently under consideration as prospective candidates for ad hoc participation in this review.

DATES: The preparatory webcast meeting will be held on June 5, 2018, from approximately 2 p.m. to 4 p.m. (EDT). This is an open public meeting that will be conducted via webcast using Adobe Connect and telephone. Registration is required to participate during this meeting. Please visit: *http://www.epa.gov/sap* to register.

The EPA is extending the written public comment period for the June 5 preparatory webcast until June 1, 2018 and the July 17–20 in-person meeting until June 18, 2018.

Comments. Written comments on the experts currently under consideration as prospective candidates for ad hoc participation in this review should be submitted on or before May 31, 2018. Written comments for the preparatory webcast meeting should be submitted on or before June 1, 2018 and June 18, 2018 for the in-person meeting. FIFRA SAP may not be able to fully consider written comments submitted after the respective due dates previously listed. Requests to make oral comments should be submitted on or before May 24, 2018 by contacting the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT**. For additional instructions, see Unit I.C. of the **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting: The July 17–20, 2018 in-person meeting will be held at the Holiday Inn Rosslyn at Key Bridge, Rosslyn Ballroom, 1900 North Fort Myer Drive, Arlington, VA 22209.

Comments. Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2017–0617, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Tamue L. Gibson, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–7642; email address: *gibson.tamue@epa.gov.*

Special accommodations. For information on access or services for individuals with disabilities, and to request accommodation of a disability, please contact the DFO at least 10 days prior to the meeting to allow EPA time to process your request.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) and FIFRA. 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.

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

1. *Submitting CBI.* Do not submit CBI information to EPA through regulations.gov or email. If your comments contain any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

C. How may I participate in this meeting?

You may participate in this meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–OPP–2017–0617 in the subject line on the first page of your request.

1. *Written comments.* Written comments on the experts currently under consideration as prospective candidates for ad hoc participation in this review should be submitted on or before May 31, 2018. Written comments for both the preparatory webcast and in-person meetings should be submitted, using the instructions in **ADDRESSES** and Unit I.B., on or before June 1, 2018 (preparatory webcast) and June 18, 2018 for the in-person meeting, to provide FIFRA SAP the time necessary to consider and review the written comments. The FIFRA SAP may not be able to fully consider written comments submitted after the respective due dates listed above.

2. *Oral comments.* Registration is required to participate in the June 5 preparatory webcast meeting. Please visit: *http://www.epa.gov.sap* to register. Each individual or group wishing to make brief oral comments to FIFRA SAP during the preparatory webcast should submit their request by registering with the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before noon May 24, 2018. Oral comments before FIFRA SAP during the preparatory webcast are limited to approximately 5 minutes due to the time constraints of this webcast.

The Agency encourages each individual or group wishing to make brief oral comments to FIFRA SAP during the in-person meeting to submit their request to the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before May 24, 2018, to be included on the meeting agenda. Requests to present oral comments during the in-person meeting will be accepted until the date of the meeting and, to the extent that time permits, the Chair of FIFRA SAP may permit the presentation of oral comments at the meeting by interested persons who have not previously requested time. Oral comments during the in-person meeting are limited to approximately 5 minutes unless arrangements have been made prior to May 24, 2018. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment. In addition, each speaker should bring 15 copies of his or her oral remarks and presentation slides (if required) for distribution to FIFRA SAP at the meeting by the DFO.

3. *Webcast.* The June 5 preparatory meeting will be webcast only. Please refer to the FIFRA SAP website at *http://www.epa.gov/sap* for information on how to access the webcast. Registration is required.

II. Background

A. Purpose of FIFRA SAP Preparatory Webcast

FIFRA SAP serves as a primary scientific peer review mechanism of EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) and is structured to provide scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the impact of regulatory actions on health and the environment. FIFRA SAP is a Federal advisory committee established in 1975 under FIFRA that operates in accordance with requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix). FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health and the National Science Foundation. The FIFRA SAP is assisted in their reviews by ad hoc participation from the Science Review Board (SRB). As a scientific peer review mechanism, FIFRA SAP provides comments, evaluations, and recommendations to improve the effectiveness and quality of analyses made by Agency scientists. The FIFRA SAP is not required to reach consensus in its recommendations to the Agency.

B. Public Meeting

During the preparatory webcast meeting scheduled for June 5, 2018, the FIFRA SAP will review and consider the scope and clarity of the Charge Questions for the Panel's July 17–20, 2018 Meeting on the Resistance of Lepidopteran Pests to *Bacillus thuringiensis* (Bt) Plant Incorporated Protectants in the United States. The SAP will receive a short background briefing on lepidopteran adaptation to Bt toxins in the U.S., including the EPA's assessment as to whether it is warranted scientifically to develop a resistance management plan for western bean cutworm. In addition, the panel members will have the opportunity to comment on the scope and clarity of the draft charge questions. Subsequent to this webcast, final charge questions will be provided for the FIFRA SAP's deliberation on the white paper, and supplemental information during the in-person meeting to be held July 17–20, 2018.

C. FIFRA SAP Documents and Meeting Minutes

EPA's background paper, charge/questions to FIFRA SAP, and related supporting materials will be available in early May. In addition, a list of prospective candidates currently under consideration for ad hoc participation in this review is now available for public comment until May 31, 2018. You may obtain electronic copies of most meeting documents, including FIFRA SAP composition (*i.e.,* members and ad hoc members for this meeting) and the meeting agenda, at *http://www.regulations.gov* and the FIFRA SAP website at *http://www.epa.gov/sap.*

Authority: 7 U.S.C. 136 *et. seq.*; 21 U.S.C. 301 *et seq.*

Dated: May 8, 2018.

Stanley Barone Jr.,

Acting Director, Office of Science Coordination and Policy.

[FR Doc. 2018–10577 Filed 5–16–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0097; FRL–9977–19]

Certain New Chemicals or Significant New Uses; Statements of Findings for February and March 2018

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from February 1, 2018 to March 31, 2018.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Greg Schweer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–8469; email address: *schweer.greg@epa.gov.*

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. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0097, is available 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?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from February 1, 2018 to March 31, 2018.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;