

under TSCA in December 2016. For the purposes of the risk evaluation for asbestos under TSCA section 6(a), EPA initially adopted the TSCA Title II (added to TSCA in 1986), section 202 definition; which is “asbestiform varieties of six fiber types—chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite or actinolite.” The latter five fiber types are amphibole varieties. EPA initially focused its risk evaluation on chrysotile asbestos, as described in the Problem Formulation for the Risk Evaluation for Asbestos, as this is the only fiber type with ongoing use, meaning current manufacture, processing, or distribution in commerce. Following release of the decision to exclude legacy uses from the risk evaluation, EPA was legally challenged by Safer Chemicals, Healthy Families, and in late 2019, the court in *Safer Chemicals, Healthy Families v. EPA*, 943 F.3d 397 (9th Cir. 2019) held that EPA’s Risk Evaluation Rule (82 FR 33726, July 20, 2017 (FRL–9964–38)), should not have excluded “legacy uses” (*i.e.*, uses without ongoing or prospective manufacturing, processing, or distribution) or “associated disposals” (*i.e.*, future disposal of legacy uses) from the definition of conditions of use, although the court upheld EPA’s exclusion of “legacy disposals” (*i.e.*, past disposal). Due to the court ruling, in the March 2020 Draft Risk Evaluation for Asbestos, EPA had signaled the inclusion of other fiber types, in addition to chrysotile, as well as consideration of legacy uses and associated disposal for the asbestos risk evaluation in a supplemental scope document and supplemental risk evaluation when these activities are known, intended, or reasonably foreseen. This was supported by both public comment and the Science Advisory Committee on Chemicals (SACC) during the SACC Peer Review meeting on June 8–11, 2020. The Risk Evaluation for Asbestos Part 1: Chrysotile Asbestos was finalized in December 2020 and specified a Part 2 scope document and risk evaluation would be forthcoming. The Final Scope of the Risk Evaluation for Asbestos Part 2: Supplemental Evaluation Including Legacy Uses and Associated Disposals of Asbestos took into consideration public comment and was released in June 2022.

In the final scope document for the Part 2 Risk Evaluation, EPA articulated the plan for the human health analysis to continue to focus on epidemiologic studies, given the robust evidence base and decades worth of evidence

examining the relationship between exposure to asbestos and health effects. However, unlike the analysis in Part 1 that was focused on inhalation exposures and cancer, the analysis for human health in Part 2 also considers non-cancer effects and other routes of exposure. EPA has applied systematic review approach methods, as described in the Final Scope of the Risk Evaluation for Asbestos Part 2: Supplemental Evaluation Including Legacy Uses and Associated Disposals of Asbestos and the Draft Systematic Review Protocol Supporting TSCA Risk Evaluations for Chemical Substances to identify the reasonably available information to be considered in the Part 2 Risk Evaluation. EPA has continued to screen and evaluate the epidemiologic evidence following the finalization of the final scope document in order to determine the specific technical and quantitative analyses that may be warranted.

As anticipated, numerous epidemiology studies were identified, particularly for inhalation exposures with more limited information for oral and dermal exposure routes, examining asbestos and cancer and non-cancer effects. Because the human health hazards are well-established, it was recognized that streamlined identification of epidemiology studies that could inform dose-response would be both efficient and scientifically appropriate. Thus, EPA employed a fit-for-purpose objective and transparent approach to efficiently identify and evaluate the relevant information. In addition, EPA considered the reasonably available information in the context of the existing EPA assessments and the quantitative risk values those assessments established. Specifically, EPA considered the Risk Evaluation for Asbestos Part 1: Chrysotile Asbestos (2020) and a chrysotile-specific inhalation unit risk (IUR) of 0.16 per fiber/cubic centimeter (cc), the Integrated Risk Information System (IRIS) Libby Amphibole Assessment (2017) and a Libby amphibole-specific IUR of 0.17 per fiber/cc and (Reference Concentration (RfC) for Inhalation Exposure of  $9 \times 10^{-5}$  milligram per cubic meter (mg/m<sup>3</sup>), and the IRIS Asbestos Assessment (1988) and a mixed-fiber IUR of 0.23 per fiber/milliliter (mL)). Based on evaluation and consideration of the totality of the information, EPA has developed a quantitative approach to assessing cancer and non-cancer human health hazards for Part 2 of the Risk Evaluation for Asbestos.

EPA is soliciting comments through letter peer review on the quantitative approach employed to identify the dose-

response relevant information, the evaluation of the epidemiologic cohorts and data for dose-response assessment, analysis of the existing IURs and RfC and their potential suitability for application in the Part 2 Risk Evaluation, and the selection of an IUR and point of departure. EPA has prepared these technical details in the document entitled: “White Paper: Quantitative Human Health Approach to be Applied in the Risk Evaluation for Asbestos Part 2—Supplemental Evaluation including Legacy Uses and Associated Disposals of Asbestos, which will be distributed for a letter peer-review that is expected to begin October 25, 2023, and end November 24, 2023. Feedback from the letter peer review will be considered by EPA in the development of the Part 2 risk evaluation for asbestos, a draft of which will be released subsequently, along with a separate response document.

*Authority:* 15 U.S.C. 2601 *et seq.*

Dated: July 27, 2023.

**Michal Freedhoff,**

*Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

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**BILLING CODE P**

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA–R03–OAR–2023–0302; FRL–11045–01–R3]

### Adequacy Status of Motor Vehicle Emissions Budgets for the Baltimore 2015 8-Hour Ozone Moderate Nonattainment Area

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, the Environmental Protection Agency (EPA) is notifying the public that it has found that the 2023 motor vehicle emissions budgets (MVEBs) for volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>), submitted by the Maryland Department of the Environment (MDE) on March 7, 2023, for the 2015 8-hour ozone national ambient air quality standard (NAAQS), are adequate for transportation conformity purposes for the Baltimore 2015 8-hour ozone moderate nonattainment area. As a result of EPA’s finding, the State of Maryland must use the MVEBs from the March 7, 2023, attainment demonstration for future conformity determinations for the 2015 8-hour ozone standard.

**DATES:** The motor vehicle budgets are effective August 18, 2023.

**FOR FURTHER INFORMATION CONTACT:** Gregory Becoat, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2036. Mr. Becoat can also be reached via electronic mail at [becoat.gregory@epa.gov](mailto:becoat.gregory@epa.gov).

**ADDRESSES:** Publicly available docket materials, identified by EPA-R03-OAR-2023-0302, are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday through Friday (except Federal Holidays). For further information on the EPA Docket Center services and the current status, see [www.epa.gov/dockets](http://www.epa.gov/dockets). You may access this **Federal Register** document electronically from [www.federalregister.gov/documents/current](http://www.federalregister.gov/documents/current). This finding will also be available at the EPA's conformity website: [www.epa.gov/state-and-local-transportation/conformity-adequacy-review-region-3](http://www.epa.gov/state-and-local-transportation/conformity-adequacy-review-region-3).

**SUPPLEMENTARY INFORMATION:** This notice is an announcement of a finding that EPA has already made. EPA Region 3 sent a letter to MDE on June 1, 2023, stating that the 2023 MVEBs are adequate for transportation conformity purposes. The transportation conformity rule requires that EPA conduct a public process and make an affirmative decision on the adequacy of these budgets before they can be used by metropolitan planning organizations (MPO) in transportation conformity determinations.

As a result of this finding, upon the effective date of this notice of adequacy,

the MPO must use the MVEBs associated with the attainment demonstration for future transportation conformity determinations. EPA announced availability of the attainment demonstration and related MVEBs on the EPA's transportation conformity website on April 3, 2023, requesting comments by May 3, 2023. EPA received no comments in response to the adequacy review posting. The MVEBs are provided in Table 1 in this document.

**TABLE 1—2023 MOTOR VEHICLE EMISSION BUDGETS FOR THE BALTIMORE AREA ATTAINMENT DEMONSTRATION**

Pollutant	Mobile source emission budget (tons per day)
VOC .....	17.47
NO <sub>x</sub> .....	35.26

Transportation conformity is required by Clean Air Act section 176(c), 42 U.S.C. 7506(c). EPA's conformity rule requires that long-range transportation plans, transportation improvement programs, and transportation projects conform to a state's air quality SIP and establishes the criteria and procedures for determining whether or not they conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. See id. at section 7506(c)(1)(B).

The criteria EPA uses to determine whether a SIP's MVEBs are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). EPA has described the process for determining the adequacy of submitted SIP budgets in 40 CFR 93.118(f). Under 40 CFR 93.104(e), within 2 years of the effective date of this notice, the MPO and the U.S. Department of Transportation will need

to demonstrate conformity to the MVEBs. To do so, the on-road motor vehicle emissions from implementation of the long-range transportation plan should be projected consistently with the MVEBs. Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudice EPA's ultimate approval of the SIP. Even if EPA finds the MVEBs adequate, the Agency may later determine that the SIP itself is not approvable.

*Authority:* 42 U.S.C. 7401-7671q.

**Adam Ortiz,**

*Regional Administrator, Region III.*

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**FEDERAL COMMUNICATIONS COMMISSION**

[FR ID 159999]

**Open Commission Meeting Thursday, August 3, 2023**

July 27, 2023.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 20, 2023, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC.

While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: [www.fcc.gov/visit](http://www.fcc.gov/visit). Open Meetings are streamed live at: [www.fcc.gov/live](http://www.fcc.gov/live) and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1 .....	Wireless Telecommunications .....	<i>Title:</i> Advancing Understanding of Non-Federal Spectrum Usage (WT Docket No. 23-232). <i>Summary:</i> The Commission will consider a Notice of Inquiry that would initiate a technical inquiry into how to obtain more sophisticated knowledge of real-time non-Federal spectrum usage—and how the Commission could take advantage of modern capabilities for doing so in a cost-effective, accurate, scalable, and actionable manner. The Notice of Inquiry would explore the potential to advance the Commission's understanding of commercial spectrum usage by leveraging new data sources, methods, and technologies such as artificial intelligence and machine learning in an increasingly congested radiofrequency environment.
2 .....	Media .....	<i>Title:</i> Updating Digital FM Radio Service (MB Docket No. 22-405). <i>Summary:</i> The Commission will consider an Order and Notice of Proposed Rule-making seeking comment on proposed changes to the methodology used to determine maximum power levels for digital FM broadcast stations and to the process for authorizing digital transmissions at different power levels on the upper and lower digital sidebands.