Resources System Proposed Changes, Implementation, ME, MA, RI, CT, NY, MS, AL, TX, LA, DE, VA, NC, SC, GA and FL, Due: March 21, 1988, Contact: Audrey L. Dixon (202) 343–8115.

EIS No. 880030, Final, SFW, AK, Yukon Delta National Wildlife Refuge, Long Term Management Plan and Wilderness Review, Implementation, Due: March 7, 1988, Contact: William Knauer (907) 786–3399.

EIS No. 880031, Final, FHW, AR, US 65 Bypass Construction, US 65/US 270 Interchange and Bryant Street Intersection to US 65/US 65B Interchange, Funding and 404 Permit, Pine Bluff, Jefferson County, AR, Due: March 7, 1988, Contact: Edward C. Lydick (501) 378–5625.

Amended Notices

EIS No. 870106, Draft, COE, Shorelands Commercial/Industrial Park Development and Construction, Section 10 and 404 Permits, Hayward City, Alameda County, CA, Due: May 18, 1987, Contact: Scott Miner (415) 974–0446.

Published FR 4–3–87—The COE has Officially Withdrawn this draft EIS.

Dated: February 2, 1988.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 88–2476 Filed 2–4–88; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3324–8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 18, 1988 through January 22, 1988 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5075/76.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 24, 1987 (52 FR 13749).

Draft EISs

ERP No. D–BLM–K61088–00, Rating LO, Arizona Mohave Wilderness Study Areas, Wilderness Recommendations, Designation, Greenlee, Maricopa, Mohave, Pinal, Pima, and Yavapal Counties, AZ and Grant County, NM. SUMMARY: EPA expressed a lack of objections to this project, but requested that BLM coordinate nonpoint source water pollution planning with the State of Arizona.

ERP No. D–FHW–H40137–NB, Rating LO2, Van Dorn Street Connection, NB–2/10th Street to US–77/West Bypass, Construction, Funding, City of Lincoln, Lancaster County, NB. SUMMARY: EPA has no objections to the project as proposed, but believes that insufficient information is presented on which to adequately assess indirect impacts. Accordingly, EPA requests that additional information on indirect impacts be presented in the final EIS.

Final EISs

ERP No. F–FHW–H40108–IA. Central Business District Loop Arterial Construction, Harding Road and I–235 to US 65 at Scott Avenue, Funding and 404 Permit, Polk County, IA. SUMMARY: EPA's comments on the draft EIS was generally responded to concerning air quality, noise and water quality in this project.

Dated: Februrary 2, 1988.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 88–2477 Filed 2–4–88; 8:45 am]

BILLING CODE 6560–50–M

[SWH–FRL–3324–2]

Petition for Case-By-Case Extension of the Effective Date of the Land Disposal Restrictions on Certain Corrosive Hazardous Wastes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of petition.

SUMMARY: EPA is proposing to grant the Department of Energy's (DOE) Savannah River Plant's request for an extension of the July 8, 1987, effective date of the land disposal restrictions applicable to liquid hazardous wastes having a pH of less than or equal to two. This action responds to a petition submitted under 40 CFR 268.5 which allows any person to request the Administrator to grant, on a case-by-case basis, an extension of the applicable effective date based on a showing that adequate alternative treatment, recovery, or disposal capacity for the petitioner's waste cannot reasonably be made available by the effective date due to circumstances beyond the person's control and that the petitioner has entered into a binding contractual commitment to construct or otherwise provide such capacity. If this proposed action is finalized, DOE can continue to dispose its corrosive hazardous waste at the Savannah River Plant until July 8, 1988, without being subject to the restrictions applicable to such wastes.

DATE: Comments on this notice must be received on or before March 7, 1988.

ADDRESSES: The original and two copies of any comments must be sent to EPA RCRA Docket (S–212), Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Place the Docket Number F–87–LDPP–FFFFF on all copies of the comments. The public docket is in Room S–212 at the above address and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: For general information contact RCRA Hotline, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (800) 424–9346 toll-free or (202) 382–3000 in the Washington, DC, metropolitan area.

For information on specific aspects of this notice contact Lisa E. Faeth or Stephen R. Weil, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382–4770.

SUPPLEMENTARY INFORMATION:

I. Background

A. Congressional Mandate

Congress enacted the Hazardous and Solid Waste Amendments (HSWA) of 1984 to amend the Resource Conservation and Recovery Act (RCRA). HSWA imposes additional responsibilities on persons managing hazardous wastes. Sections 3004(d) through (g) prohibit the land disposal of certain untreated hazardous wastes by specified dates in order to protect both human health and the environment for as long as the wastes remain hazardous. In particular, section 3004(d) prohibits the land disposal of liquid hazardous wastes having a pH of less than or equal to two effective 32 months after the enactment of HSWA. These wastes can be land disposed after this date if the treatment residual does not exhibit a pH of two or less. Congress recognized that adequate alternative treatment, recovery, or disposal capacity which is protective of human health and the environment may not be available by the applicable statutory effective dates and authorized EPA to set effective date variances based on the earliest dates that such capacity will be available. Under section 3004(h)(3), EPA can grant case-by-case extensions of the statutory deadlines for up to one year beyond the applicable deadlines. These extensions are renewable once for up to one additional year. On November 7, 1986, EPA published a final rule (51 FR 40572)

establishing the regulatory framework to implement the land disposal restrictions program, including the framework for the petition process, and promulgated regulations enacting the first phase of the program as well as the procedures for submitting case-by-case extension petitions.

B. Demonstrations Evaluated During Petition Review

Case-by-case extension petitions must satisfy the requirements outlined in 40 CFR 268.5. The applicant must demonstrate that adequate alternative treatment, recovery, or disposal capacity will not be available by the applicable effective date of the land disposal restrictions by showing that he has made a good-faith effort to locate and contract with facilities nationwide to manage his waste. This demonstration also requires that the petitioner investigate the availability of adequate alternative on-site capacity for his waste (40 CFR 268.5(a)(1)). Case-by-case extension petitions must show that the applicant has entered into a binding contractual commitment to construct or otherwise provide adequate alternative treatment, recovery, or disposal capacity for all his waste, but due to circumstances beyond the applicant's control this capacity cannot reasonably be made available by the applicable effective date of the land disposal restrictions (40 CFR 268.5(a)(2), (3), and (4)). The petitioner must submit a schedule showing the progress which will be made towards completing the project to provide adequate alternative capacity by including dates for obtaining required operating and construction permits and dates for completing key phases of the project (40 CFR 268.5(a)(5)). The applicant also is required to show that he has arranged for sufficient capacity to manage the entire quantity of waste which is the subject of his petition during the requested extension period and to document in his application the location of all sites at which the waste will be managed (40 CFR 268.5(a)(6)). During an extension period the restricted waste can be managed in a surface impoundment or landfill provided that each new surface impoundment or landfill unit, each replacement of an existing surface impoundment or landfill unit, and each lateral expansion of an existing surface impoundment or landfill unit at the facility meets the applicable requirements of 40 CFR 268.5(h)(2) which pertain to ground water monitoring and the installation of two or more liners and leachate collection systems (40 CFR 268.5(a)(7)).

After an applicant has been granted a case-by-case extension, EPA is kept informed of the progress being made towards obtaining adequate alternative treatment, recovery, or disposal capacity. Any change in the demonstrations made in the petition must be immediately reported to the Agency (40 CFR 268.5(f)). Progress reports also have to be submitted which describe the progress being made towards obtaining adequate alternative capacity, identify any delay or possible delay in developing the capacity, and describe the mitigating actions being taken in response to the event (40 CFR 268.5(g)).

II. Petition

DOE has petitioned EPA to grant an extension of the July 8, 1987, effective date of the land disposal restrictions applicable to certain corrosive hazardous wastes generated and managed at its Savannah River Plant near Aiken, South Carolina. The Department is presently constructing an Effluent Treatment Facility (FTF) consisting of wastewater treatment tanks to treat the radioactively contaminated wastewater currently disposed of in the surface impoundments. EPA is proposing to grant a one-year extension of the effective date of the restrictions to July 8, 1988, for the wastewater having a pH of less than or equal to two. DOE's petition request and supporting documentation are available in the public docket for this rulemaking. Interested persons are invited to submit written data, criticisms, or opinions on the petition. All comments will be considered by EPA and addressed in a **Federal Register** notice stating the Agency's final decision to grant or deny the petition. A summary of the DOE petition, Petition Number 003, follows below.

A. Petition Summary

The DOE facility reprocesses nuclear fuels to be used for national defense. The recovery and purification of transuranic products and unburned fissionable material from spent reactor fuel elements generate radioactive liquid waste. Its chemical separations process and waste volume reduction program generate low-level radioactively contaminated wastewater consisting of evaporator overheads and high-level radioactively contaminated hazardous waste consisting of evaporator bottoms. The wastewater can be a hazardous waste when the pH is two or less and/or the concentrations of mercury and chromium exceed the concentrations for the characteristic of EP toxicity. The concentrations of these metals never exceed the land disposal prohibition levels specified by Congress in RCRA section 3004(d). This wastewater is being disposed in six surface impoundments, all of which currently operate under interim status. The surface impoundments are unlined; monitoring wells are used to detect any radioactive and chemical constituent migration to ground water. As wastewater passes through the underlying soils, most of the radionuclides are held in the soil by natural filtration, adsorption, and ion exchange while radioactive decay takes place. Waste with a pH of 2.0 to 4.0 seeps optimally, and seepage efficiency decreases as the pH rises until no seepage is possible for waste in a pH range of 10 to 12 due to peptizing of the clay. If the pH rises to this level, the impoundments are permanently plugged. Occasional diversions of low-level radioactively contaminated cooling water and stormwater runoff, which are not hazardous wastes, are collected in two 4 million gallon earthen retention basins having a single synthetic liner. This wastewater is being pumped to the surface impoundments for disposal. In 1986 the impoundments received approximately 250,000 gallons per day of wastewater consisting of evaporator overheads and contaminated cooling water and stormwater. Uncontaminated cooling water and stormwater is discharged to surface water. The high-level radioactively contaminated hazardous waste is being stored in tank farms until the waste can be treated at the Defense Waste Processing Facility (DWPF) which is under construction and expected to be operational within the next seven years. The waste will be mixed with borosilicate glass and fill stainless steel canisters for ultimate disposal in a repository or mixed with cement and set in concrete vaults.

DOE is currently constructing the ETF to replace the surface impoundments and to treat the process wastewater and the low-level radioactively contaminated cooling water and stormwater runoff. These wastewaters will flow to two lift stations, each consisting of a corrosion resistant in-ground tank and having secondary containment capable of holding more than the entire contents of the tank. The tank system will be equipped with leak detection systems. The lift station tanks are sized to provide volume for surge, normal operation, and alarm conditions. Waste will be pumped to the aboveground, corrosion resistant wastewater feed tanks in a dike capable of containing one full tank volume and

rainfall. The tanks are sized to provide capacity for normal operation plus the greatest predicted flow surge. Wastewater leaving the feed tanks will be sent to the treatment facility for pH adjustment (which minimizes the solubility of certain constituents in the acidic and basic overheads), submicron filtration (which removes suspended solids), treatment by reverse osmosis (which eliminates dissolved ionic nonradioactive species), and polishing using ion exchange (which removes dissolved ionic radioactive species). Filter backwash, reject from reverse osmosis, and regeneration waste from ion exchange will be sent to evaporators for further volume reduction. Until start-up of the DWPF, there is sufficient capacity in the tank farms to store the concentrate from the evaporators. Evaporator overheads and effluent from the ion exchange system will be pumped to aboveground treated effluent hold tanks for analysis. Contaminated effluent, indicating a process upset in the treatment plant, will be sent to the wastewater feed tanks for recycling. Treated effluent will be discharged to a new outfall. DOE will also construct two 2.0 million gallon, below and above grade, earthen collection basins having a double synthetic liner with interstitial leak detection to accomodate diversions of low-level radioactively contaminated cooling water from the ETF. The existing retention basins will continue to be used to hold low-level radioactively contaminated cooling water and stormwater. Contaminated wastewater from the new and existing basins will be pumped to the lift station tanks for treatment. Uncontaminated cooling water and stormwater will continue to be discharged to the existing outfalls. Once the ETF is operational, the surface impoundments will be closed in accordance with relevant RCRA Subtitle C regulatory standards.

B. Petitioner's Demonstrations

DOE's application for an extension of the effective date of the land disposal restrictions applicable to its corrosive hazardous waste must include a showing that it has made a good-faith effort to locate and contract for adequate alternative nationwide treatment, recovery, or disposal capacity off-site, or to establish such capacity on-site, by the effective date of the restrictions. In determining the availability of off-site capacity to manage the waste, the Department contacted wastewater treatment facilities. To accommodate a worst case situation, DOE specified that 250,000 to 400,000 gallons per day of its radioactively contaminated corrosive waste requires treatment. The Department asked nine privately owned wastewater treatment facilities and one publicly owned treatment facility which are located throughout the nation to treat, though not necessarily neutralize, the waste. All privately owned facilities did not have the technology to treat radioactively contaminated waste. The publicly owned facility, DOE's plant in Oak Ridge, Tennessee, could treat the waste but did not have sufficient capacity for the large volume which is generated. Hence, EPA is presently of the opinion that the Department is correct in stating that adequate alternative treatment, recovery, or disposal capacity off-site throughout the nation did not exist by the effective date of the land disposal restrictions.

DOE has investigated the feasibility of two alternatives which could provide on-site treatment capacity that would enable the pH of the wastewater to be adjusted to greater than two and yet stay within the optimal seepage range of 2.0 to 4.0. The treated wastewater, which would no longer be prohibited from land disposal, could then be disposed in the surface impoundments. However, it appears that neither of these alternatives could be implemented by the effective date of the land disposal restrictions. One alternative would be constructing a large tank for neutralization of the wastewater to a pH greater than 2.0 and less than or equal to 4.0 prior to land disposal. The tank would need to be of sufficient size to accommodate and mix the large volume of wastewater being rapidly discharged and the neutralizing reagents. DOE found that it could not obtain or design and construct such a tank—which would require a pH monitoring system, secondary containment, a leak detection system, piping, and other additions — prior to the effective date. Hence, the Department does not consider this alternative a means for providing on-site treatment capacity.

The other alternative for providing on-site treatment capacity evaluated by DOE would involve raising the pH of the wastewater so that it would no longer be a restricted hazardous waste before placing it into any of the facility's surface impoundment units for further treatment and disposal. First, sufficient base would be added to the corrosive wastewater while the waste would be in the pipes in order to raise the pH above two. The wastewater would then not be prohibited from placement on the land and could flow into the treatment surface impoundment. A continuous pH monitoring system at the tap would assure that the prohibition would not be violated. DOE would then use one of its six surface impoundments for further treatment of the wastewater. Acid would be added to the wastewater in this imooundment to adjust the pH to within the optimal seepage range of 2.0 to 4.0 and yet exceed the prohibition level of two. Finally, this treated wastewater would be disposed in the remaining five impoundments. DOE, however, was unable to obtain and install a continuous pH monitoring system before the land disposal restrictions became effective. Furthermore, the large volume of acid and wastewater in the treatment surface impoundment would prevent complete mixing of the constituents, and therefore the pH of the treated wastewater would not be uniform. Thus, wastewater taken from the treatment impoundment for disposal in the other surface impoundments might have a pH less than or equal to two, and then DOE would be operating in violation of the land disposal prohibition. In addition, South Carolina recuires a permit to treat the wastewater in the surface impoundment, and such a permit could not be issued until after the effective date of the land disposal restrictions. Therefore, EPA is tentatively of the view that DOE was legitimately unable to establish on-site treatment capacity by the effective date of the land disposal restrictions.

In addition to demonstrating that a good-faith effort has been made to establish or locate and contract for adequate alternative capacity to manage its waste by the effective date, DOE must show that it has entered into a binding contractual commitment to construct or otherwise provide such capacity. Construction of the ETF began in early 1987. DOE's petition includes three contracts signed by the operator of the facility and the builders of the lift stations, wastewater feed tanks, treatment plant, cooling water collection basins, and miscellaneous buildings needed to operate the treatment facility. These units constitute the entire facility. It is highly likely that all the contracts will be satisfied. The funds for constructing the ETF, which is expected to cost $45 to $50 million, have already been appropriated to this project. In addition, section 3005(j) of RCRA, which requires surface impoundments to have two or more liners, leachate collection systems, and ground water monitoring by November 8, 1988, creates an inflexible deadline for completion of the treatment facility and closure of its impoundments which do not meet these requirements. Hence, the three contracts which will most likely cover

construction of the ETF over the duration of the extension period appear to show that DOE has entered into a binding contractual commitment to build the facility.

DOE is required to prove that adequate alternative treatment, recovery, or disposal capacity, which is either off-site or on-site, could not reasonably be made available by the effective date of the land disposal restrictions due to circumstances beyond the Department's control. Assuming that adequate alternative off-site capacity does exist (which appears doubtful, as explained above), DOE considers transport of the large volume of corrosive waste generated daily impractical if not impossible. To support its assertion, DOE claims that it generates an average daily volume of 261,100 gallons of wastewater (consisting of evaporator overheads and contaminated cooling water and stormwater runoff). Contaminated cooling water and stormwater is generated only intermittently, and therefore need not be considered in determining the volume of restricted waste for shipment. In a worst case situation where the evaporator overheads are always a restricted corrosive waste, approximately 261,100 gallons of restricted waste would have to be shipped daily to an off-site facility. Since an average size truck can hold 5,000 gallons of waste, approximately 52 trucks would be needed to haul wastewater from the site each day. DOE claims that using a large number of trucks is logistically difficult and, hence, off-site management of the waste cannot reasonably be made available by the effective date of the land disposal restrictions. In addition, there can be state regulatory activities which can delay the packaging and transportation of radioactively contaminated waste off-site.

DOE maintains there were circumstances, which were beyond its control, that prove the on-site capacity under construction could not reasonably be made available by the effective date of the land disposal restrictions. The Department's consideration of draft legislation leading to the passage of HSWA was a contributing factor in the decision to construct a treatment facility to replace the surface impoundments. After completing research and development the initial budget estimate for the project was prepared and sent to DOE headquarters in August, 1983. DOE then submitted the budget request to Congress on May 4, 1984, prior to passage of HSWA in November, 1984. Therefore, the Department initiated activities which would phase out dependence on land disposal in anticipation of the passage of future regulations restricting the land disposal of hazardous wastes by the earliest possible date, the date HSWA was enacted. Despite quickly acting to obtain the necessary funding to begin construction of the ETF, DOE found that the enormous facility needed to treat the large volume of wastewater could not be constructed prior to the effective date. Furthermore, the radioactivity of the wastewater has caused front-end engineering design of the ETF to take considerably more time than a conventional wastewater treatment facility.

DOE supports its claim that the capacity of the ETF will be sufficient to manage all the waste which is the subject of its application by comparing the volume of wastewater the Department expects to generate with the design requirements of the facility. DOE states in its petition that the ETF is sized to treat up to 237,600 gallons per day of process wastewater. There is additional capacity to allow treatment on a nonroutine basis of 100,800 gallons per day of radioactively contaminated cooling water and stormwater runoff. Therefore, the facility can treat up to 338,400 gallons per day of wastewater which is generated at an average rate of 261,100 gallons per day. DOE acknowledges that process wastewater flow can exceed 237,600 gallons per day to peak at 1,440,000 gallons per day since the wastewater is usually generated on a batch discharge basis. The two 50,000 gallon lift station tanks and the two 450,000 gallon feed tanks provide surge capacity for equalizing the incoming flow. The tanks are sized to hold more than the sum of all the individual batch discharges which could be sent simultaneously to the ETF and to give plant personnel time to react to the surge condition and to allow cooling time for the pump motors. Thus, the ETF apparently has sufficient capacity to treat the entire quantity of waste currently being disposed in the surface impoundments.

The ETF construction schedule submitted with the application spans a 22-month period from January, 1987, to November, 1988. The schedule shows two construction permits covering the entire facility were issued by the South Carolina Department of Health and Environmental Control. Milestone dates for completion of the various items that make up the ETF are also given.

DOE states in its application that there is adequate capacity to manage its waste during the extension period in the surface impoundments and that these impoundments meet the requirements of 40 CFR 268.5(h)(2). The Department included in its application a map documenting the location of the surface impoundments. The entire quantity of waste generated over the extension period can be disposed in the impoundments provided the units continue to seep optimally. The surface impoundments have insufficient freeboard to accommodate both rainwater and wastewater which would accumulate in plugged units. The impoundments will seep optimally if only the corrosive hazardous waste which is the subject of this petition is disposed in the units or if other waste codisposed with the corrosive waste has a pH greater than 2.0 and less than or equal to 4.0. The facility is in compliance with the provisions of 40 CFR 268.5(h)(2), stipulating that each new, replaced, and laterally expanded surface impoundment or landfill at the disposal facility meet requirements relating to ground water monitoring and the installation of two or more liners and leachate collection systems. DOE states in its petition that all surface impoundments or landfills at the facility were constructed, replaced, and laterally expanded prior to November 19, 1980, the date hazardous waste managers had to begin complying with the first regulations to establish a Federal hazardous waste management system under 40 CFR Parts 260 through 265. Hence, these units are not new, replaced, and laterally expanded surface impoundments or landfills that must meet the ground water monitoring, liner, and leachate collection requirements.

C. EPA's Proposed Action

For the reasons discussed above it appears that DOE's demonstrations have satisfied all the requirements for a case-by-case extension of the effective date of the land disposal restrictions on a designated group of hazardous wastes. Therefore, EPA is proposing to grant an extension of the July 8, 1987, effective date of the restrictions on certain corrosive hazardous wastes to DOE's Savannah River Plant for the radioactively contaminated wastewater having a pH of less than or equal to two which is the subject of its petition. If the extension is granted, the wastewater, which would not be prohibited from land disposal, could be disposed in the surface impoundments over a one-year period ending July 8, 1988, the maximum allowable extension period under HSWA. Since DOE expects the ETF to be in operation by November 8, 1988, the

petitioner will probably request a renewal of the extension which will allow additional time to complete construction of the facility.

If DOE obtains a case-by-case extension, it would have to submit a progress report six months after the date the extension is granted. The Agency must also be notified of any change in the conditions specified in the petition. The extension would remain in effect unless DOE failed to make a good-faith effort to meet the schedule for completion, the Agency denied or revoked any required permit, conditions certified in the application changed, or DOE violated any laws promulgated by EPA.

(Sections 1006, 2002(a), 3001, and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6924))

Dated: January 28, 1988.

J. Winston Porter,

Assistant Administrator.

[FR Doc. 88-2444 Filed 2-4-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3325-4]

Science Advisory Board; Radiation Advisory Committee, Radon Measurement Proficiency Program Subcommittee; Two Open Meetings—February 16-17, 1988 and February 25, 1988

Under Pub. L. 92-463, notice is hereby given that a meeting of the Radon Measurement Subcommittee of the Science Advisory Board's Radiation Advisory Committee will be held at the U.S. Environmental Protection Agency, Region I Headquarters in Boston, Massachusetts on February 16-17, 1988. The meeting will be held in Room 1507 of the John F. Kennedy Building at Government Center. The meeting will begin at 10:00 a.m. Tuesday and adjourn no later than 4:00 p.m. Wednesday.

The purpose of the meeting is to continue the review of the *Radon Measurement Proficiency Program* for the Office of Radiation Programs. Copies of the documents being reviewed may be obtained by calling or writing Michael Mardis of the Office of Radiation Programs at (202) 475-9605, ANR-464, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The Science Advisory Board's Radiation Advisory Committee will meet Thursday, February 25, 1988 in the South Conference Area, Room #2, Washington Information Center, Waterside Mall, 401 M Street, SW., Washington, DC 20460. The meeting will begin at 9:00 a.m. and adjourn no later than 1:00 p.m.

The Committee will hear the report of the Radon Measurements Subcommittee and discuss other radiation related topics.

Both meetings are open to the public; however, seating is limited. Any member of the public wishing to attend, obtain further information, or submit written comments to the Subcommittee, should notify Mrs. Kathleen Conway, Executive Secretary, or Mrs. Dorothy Clark, Staff Secretary, (A101-F) Radiation Advisory Committee, Science Advisory Board, by the close of business on February 10, 1988 for the meeting in Boston and by February 20, 1988 for the Committee meeting in Washington, DC. The telephone number is (202) 382-2552.

Date: February 1, 1988.

Kathleen Conway,

Acting Director, Science Advisory Board.

[FR Doc. 88-2557 Filed 2-4-88; 12:49 pm]

BILLING CODE 6560-50-M

[OPTS-59255; FRL-3324-9]

Toxic and Hazardous Substances; Test Market Exemption Applications

AGENCY: Environmental Protection agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacture notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting this exemption. Written comments will be received until February 21, 1988.

ADDRESS: Written comments, identified by the document control number "(OPTS-59255)" and the specific TME number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, RM. L-100, 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the TME received by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays

T 88-3

Close of Review Period. February 21, 1988.

Importer. Confidential.

Chemical. C.B.I.

Use/Import. Confidential. Import Range: Confidential

Date: January 28, 1988.

Steve Newburg-Rinn,

Acting Chief, Public Data Branch, Information Management Division, Office of Toxic Substances.

[FR Doc. 88-2446 Filed 2-4-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3324-4]

Proposed Administrative Penalty Assessment and Opportunity To Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment.

SUMMARY: EPA is providing notice of a proposed administrative penalty assessment for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after the commencement of either a

Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessments pursuant to 33 U.S.C. 1319(g)(4)(a).

Class I proceedings are conducted under EPA's "Guidance on Class I Clean Water Act Administrative Penalty Procedures". The procedures through which the public may submit written comment on a proposed Class I order or participate in a Class I proceeding, and the procedures by which a respondent may request a hearing, are set forth in the "Guidance on Class I Water Act Administrative Penalty Procedures". The deadline for submitting public comment on a proposed Class I order is thirty days after issuance of public notice.

On the date identified below, EPA commenced the following Class I proceeding for the assessment of penalties:

In the Matter of Wickenburg Concrete Sand and Gravel, Wickenburg, Arizona; EPA Docket No. IX-FY88-13; filed on January 28, 1988, with Barbara Dimanlig, Acting Regional Hearing Clerk, U.S. EPA, Region 9, 215 Fremont St., San Francisco, California 94105, (415) 974-0718; proposed penalty up to $25,000 for discharging without a permit as detected during an Arizona Department of Environmental Quality inspection on June 10, 1987.

FOR FURTHER INFORMATION CONTACT: Persons wishing to receive a copy of EPA's Guidance on Class I Clean Water Act Administrative Penalty Procedures, review the complaint or other documents filed in this proceeding, comment upon a proposed assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the administrative record for each of the proceedings is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. All information submitted by the respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in these proceedings prior to February 29, 1988.

Dated: January 28, 1988.

Harry Seraydarian,

Director, Water Management Division.

[FR Doc. 88-2447 Filed 2-4-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3324-5]

Sole Source Aquifer Designation for the Aquifer System of Martha's Vineyard, MA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In response to a petition from the Martha's Vineyard Commission, notice is hereby given that the Regional Administrator, Region I, of the U.S. Environmental Protection Agency (EPA) has determined that the Martha's Vineyard Regional Aquifer satisfies all determination criteria for designation as a Sole Source Aquifer, pursuant to section 1424(e) of the Safe Drinking Water Act. Satisfying the designation criteria resulted in the following findings: the Martha's Vineyard Regional Aquifer is the sole source of drinking water for the Island's residents and visitors; there are no viable alternative sources of sufficient supply; the boundaries of the designated area and project review area have been reviewed and approved by EPA; and if contamination were to occur, it would pose a significant public health hazard and a serious financial burden to the Island's residents. As a result of this action, all Federal financially assisted projects proposed for construction on Martha's Vineyard will be subject to EPA review to ensure that these projects are designed and constructed such that they do not bring about, or in any way contribute to, conditions creating a significant hazard to public health.

DATES: This determination shall be promulgated for purposes of judicial review at 1:00 p.m. Eastern time two weeks after the date of publication in the **Federal Register.**

ADDRESSES: The data upon which these findings are based are available to the public and may be inspected during normal business hours at the U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Water Management Division, WGP-2113, Boston, MA 02203. The designation petition submitted may also be inspected during normal business hours at the Martha's Vineyard Commission office in Oak Bluffs or at the Public Library in Edgartown, MA 02557.

FOR FURTHER INFORMATION CONTACT: Robert E. Adler, Groundwater Management Section, EPA Region I, John F. Kennedy Federal Building, WGP-2113, Boston MA 02203, (617) 565-3601.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300h-3(e), Pub. L. 93-523) states:

If the Administrator determines on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, shall publish notice of that determination in the **Federal Register.** After publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On June 16, 1987, EPA received a petition from Martha's Vineyard Commission (MVC) requesting designation of the Martha's Vineyard Regional Aquifer as a sole source aquifer. EPA determined that the petition, after receipt and review of additional requested information from the MVC on August 28, 1987, fully satisfied the Completeness Determination Checklist. A public hearing was then scheduled and held on September 23, 1987, on Martha's Vineyard, in accordance with all applicable notification and procedural requirements. Unanimously favorable comments were received during the 30-day public comment period.

II. Basis for Determination

Among the factors considered by the Regional Administrator as part of the detailed review and technical verification process for designating an area under section 1424(e) were: (1) Whether the aquifer is the sole or principal source (more than 50%) of drinking water for the defined aquifer service area, and that the volume of water from an alternative source is insufficient to replace the petitioned aquifer; (2) whether contamination of the aquifer would create a significant hazard to public health; and (3) whether the boundaries of the aquifer, its recharge area and streamflow source area(s), the project designation area, and the project review area are appropriate. On the basis of technical information available to EPA at this time, the Regional Administrator has made the following findings in favor of designating Marth's Vineyard as a sole source aquifer:

1. The Martha's Vineyard Regional Aquifer is the sole source of drinking water to all of the residents of, and visitors to, the Island of Martha's Vineyard.

2. There exists no reasonable alternative drinking water source or combination of sources of sufficient quantity to supply the designated service area, nor is there any cost-effective future source or combination of future sources available to serve Martha's Vineyard due to its physical separation from the mainland.

3. EPA has found that the MVC has appropriately delineated the boundaries of the aquifer recharge area, project designation area and project review area.

4. Although the quality of the Island's ground water is rated as good to excellent (refer to Appendix D of Petition), it is highly vulnerable to contamination due to the Island's geological characteristics and land-use patterns. The silica sands of the outwash plain, comprising the dominant medium through which percolating precipitation infiltrates in the primary recharge area, are of particular concern due to their low cation exchange capacity, low organic content and high permeability. For these reasons, contaminants can be rapidly introduced into the aquifer system from a number of sources with minimal assimilation. This may include contamination from chemical spills, highway, urban and rural runoff, septic systems, leaking storage tanks, both above and underground, road salting operations, saltwater intrusion, and landfill leachate. Already in the past four years, there have been three separate instances of contamination of sources of drinking water on Martha's Vineyard: the Up-Island Gasoline Station spill in Tisbury; the Barnes Road leak from an abandoned underground storage tank in Oak Bluffs; and the precautionary closing of the Machaket well due to a leak from an above-ground heating fuel tank at the Edgartown Water Company. Since all Island residents and visitor trade are dependent upon the aquifer for their drinking water, a serious contamination incident could pose a significant public health hazard and place a severe financial burden on the Island's residents.

III. Description of the Martha's Vineyard Regional Aquifer System, Designated Area and Project Review Area

Due to its geologic characteristics and the fact that it is an oceanic island, the entire land area of Martha's Vineyard constitutes the recharge area to the island's aquifer system. The island consists of two distinct geologic deposits: the terminal moraines (Gay Head Moraine and Martha's Vineyard Moraine), and the outwash plain. The terminal moraines occupy approximately 40% of the Island's land area and are composed of a variety of soils with perched water tables, springs and brooks. The outwash plain comprises the primary recharge area and consists of layered sands and silts in one continuous, unconfined aquifer and it encompasses the remaining 60% of the Island. Thus, the designated area is coterminous with the entire land area of the Island (including Chappaquiddick) landward of mean low tide. This area is also fully coincident with the proposed project review area, in which federal financially assisted projects will be subject to review to determine if, by contaminating the aquifer, they pose a significant hazard to public health.

IV. Information Utilized in Determination

The information utilized in this determination included the Martha's Vineyard Commission's petition, which included field analyses and technical hydrogeologic maps in the petition's appendices, U.S. Geological Survey's hydrologic map, and written and verbal comments submitted by the public. These materials are available to the public and may be inspected during normal business hours at the addresses listed previously.

V. Project Review

EPA Region I is working with the Federal agencies most likely to provide financial assistance to projects in the project review area. Interagency procedures and Memoranda of Understanding have been developed through which EPA will be notified of proposed commitments by Federal agencies for projects which could contaminate the Martha's Vineyard Regional Aquifer. EPA will evaluate such projects and, where necessary, conduct an in-depth review, including soliciting public comments where appropriate. Should the Regional Administrator determine that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, no commitment for federal financial assistance may be entered into. However, a commitment for federal financial assistance may, if authorized under another provision of law, be entered into plan or design the project to ensure that it will not contaminate the aquifer. Included in the review of any federal financially assisted project will be the coordination with state and local agencies and the project's developers. Their comments will be given full consideration and EPA's review will attempt to complement and support state and local ground water protection mechanisms. Although the project review process cannot be delegated, EPA will rely to the maximum extent possible on any existing or future state and/or local control mechanisms to protect the quality of ground water in the Martha's Vineyard Regional Aquifer.

VI. Summary and Discussion of Public Comments

None of the issues expressed during the public comment period developed into controversial issues. All of the mail received during the public comment period was unanimously in favor of the Island's designation as a sole source aquifer. The comments and questions raised at the public hearing were primarily attributable to unfamiliarity among Island residents with the implications of such a designation. Information was sought concerning the following general questions: (1) What types of land development projects would fall under Federal review, (2) would FHA-supported mortgages for private homes be subject to review, and (3) would Federal review jurisdiction be applied to state financed or constructed projects? In general, all the comments favored designation.

Michael R. Deland,

Regional Administrator.

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FEDERAL MARITIME COMMISSION

Items Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following items have been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3601, et seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from John Robert Ewers, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street NW., Room 12211, Washington, DC 20573, telephone number (202) 523-5866. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.