| Name | Case No. |
|---|---|
| Hilltop Texaco | RF321–19733 |
| L.P. Gas Co., Inc. | Lee–0141 |
| Low Land Construction Co., Inc. | RF272–98848 |
| Martinez Gas Company | RF340–139 |
| Maylon H. Fowler, Inc. | RF272–94855 |
| North Hampton School District | RF272–97234 |
| Seabrook School District | RF272–97235 |
| Stanberry Oil Company | Lee–0157 |
| Warrensville Heights, OH | RF272–97648 |
| Webb's Oil Corporation | RF321–20447 |
| Winnacunnet Coop. School District | RF272–97236 |

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E±234, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: January 25, 1995.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 95±2481 Filed 1±31±95; 8:45 am]

BILLING CODE 6450–01–P

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–5148–2]**

### Intended Transfer of Confidential Business Information

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

**ACTION:** Notice of intended transfer of confidential business information to contractors.

**SUMMARY:** The Environmental Protection Agency (EPA) intends to transfer confidential business information (CBI) collected from the organic chemicals, plastics and synthetic fibers (OCPSF) industries to Radian Corporation (Radian) and to Industrial Economics Incorporated (IEc). Radian and IEc adhere to EPA-approved security plans which describe procedures to protect confidential business information (CBI).

Transfer of this information will allow the contractors to assist EPA in evaluating the need for establishing regulations under the Resource Conservation Recovery Act (RCRA) for air emissions, leaks and sludges from treatment surface impoundments accepting wastes generated by the OCPSF industries that were, at point of generation, RCRA hazardous wastes, but which have been diluted so that the RCRA hazardous characteristic is removed prior to placement in the wastewater treatment surface impoundment. The CBI that EPA intends to transfer to Radian and IEc was collected under the authority of section 308 of the Clean Water Act (CWA). Interested persons may submit comments on this intended transfer of CBI to the address noted below.

**DATES:** Comments on the transfer of data are due February 6, 1995.

**ADDRESSES:** Comments may be sent to Linda Martin (5305), EPA, 401 M Street SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Linda Martin at the above address, or call (202) 260±0062.

**SUPPLEMENTARY INFORMATION:** EPA has previously transferred information to various contractors, including CBI, concerning certain industries that was collected under the authority of section 308 of the CWA. EPA determined at that time that the transfer was necessary to enable the contractors to perform their work in assisting EPA in developing effluent guidelines and standards for certain industries. Notice to this effect was provide to the affected industries.

Today, EPA is giving notice that it has entered into an additional contract with IEc (Cambridge, Massachusetts), contract number 68±W3±0028, and with Radian (Herndon, Virginia), contract number 68±W3±0001. These contracts arrange contractor support to assist EPA in evaluating the need to establish regulations under RCRA (specifically, under the Land Disposal Restrictions (LDR) program) for air emissions, leaks and sludges from treatment surface impoundments accepting wastes that were, at point of generation, RCRA hazardous wastes, but which have been diluted so that the RCRA hazardous characteristic is removed prior to placement in the wastewater treatment surface impoundment. The information that EPA intends to transfer to Radian and IEc consists primarily of data previously collected by EPA to support the development of effluent limitations guidelines and standards under the CWA for OCPSF industries.

All EPA contractor personnel are bound by the requirements and sanctions contained in their contracts with EPA and in EPA's confidentiality regulations found at 40 CFR part 2, subpart B. Radian and IEc adhere to EPA-approved security plans which describe procedures to protect CBI. The security plans specify that contractor personnel are required to sign non-disclosure agreements and are briefed on appropriate security procedures before they are permitted access to CBI. No person is automatically granted access to CBI; a need to know must exist.

Dated: January 25, 1995.

**Michael Shapiro,**

*Director, Office of Solid Waste.*

[FR Doc. 95±2434 Filed 1±31±95; 8:45 am]

BILLING CODE 6560–50–P

**[FRL–5148–1]**

### Wyoming; Partial Program Adequacy Determination of the State's Municipal Solid Waste Permit Program

**AGENCY:** Environmental Protection Agency (Region VIII).

**ACTION:** Notice of tentative determination on partial program application of Wyoming for partial program adequacy determination, public comment period, and public hearing.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or conditionally exempt small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). Section 4005(c)(1)(C) of RCRA requires the Environmental Protection Agency (EPA) to determine

whether States have adequate ``permit'' programs for MSWLFs, but does not mandate issuance of a rule for such determinations. EPA has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR) that will allow both States and Tribes to apply for and receive approval of a partial permit program. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the Federal Criteria will apply to all permitted and unpermitted MSWLFs.

The State of Wyoming applied for a partial determination of adequacy under section 4005 of RCRA. EPA reviewed Wyoming's MSWLF application and made a tentative determination for those portions of the State's MSWLF permit program that are adequate to assure compliance with the revised MSWLF Criteria. These portions are described later in this notice. The State plans a future revision for the remainder of its permit program to assure complete compliance with the revised Federal Criteria and gain full program approval. Wyoming's application for partial program adequacy is available for public review and comment.

Although RCRA does not require EPA to hold a public hearing on a determination to approve any State/Tribe's MSWLF program, the Region has tentatively scheduled a public hearing on this determination. If a sufficient number of people express interest in participating in a hearing by writing the Region or calling the contact given below within 30 days of the date of publication of this notice, the Region will hold a hearing on the date given below in the ``DATES'' section. The Region will notify all persons who submit comments on this notice if it decides to hold the hearing. In addition, anyone who wishes to learn whether the hearing will be held may call the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

**DATES:** All comments on Wyoming's application for a determination of adequacy must be received by the close of business on March 13, 1995. The public hearing is tentatively scheduled for 10:00 a.m. to 12:00 p.m., March 13, 1995, at the Wyoming Department of Environmental Quality, Herschler Building, 1st Floor Conference room #1299, 122 West 25th Street, Cheyenne, Wyoming 82002. Should a public hearing be held, EPA may limit oral testimony to five minutes per speaker, depending on the number of commenters. Commenters presenting oral testimony must also submit their comments in writing by close of business on March 13, 1995. The hearing may adjourn earlier than 12 noon if all of the speakers deliver their comments before that hour. Wyoming will participate in the public hearing held by EPA on this subject.

**ADDRESSES:** Copies of Wyoming's application for partial adequacy determination are available from 8 a.m. to 4:30 p.m. during normal working days at the following addresses for inspection and copying: Wyoming Department of Environmental Quality, Attn: Carl Anderson, Herschler Building, 4th floor, 122 West 25th Street, Cheyenne, Wyoming 82002; and USEPA Region VIII, Environmental Information Service Center, 999 18th Street, suite 144, Denver, Colorado 80202±2466, phone 1±800±227±8917 or 303±293±1603. All written comments should be sent to Gerald Allen (8HWM-WM), Waste Management Branch, USEPA Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202±2466.

**FOR FURTHER INFORMATION CONTACT:** Gerald Allen (8HWM-WM), Waste Management Branch, USEPA Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202±2466, Phone 303/293±1496.

**SUPPLEMENTARY INFORMATION:**

## A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria. Subtitle D also requires that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to propose in the STIR to allow partial approvals if: (1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with part 258; (2) changes to a limited narrow part(s) of the State/Tribal permit program are needed to meet these requirements; and (3) provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of part 258.

EPA intends to approve portions of State/Tribal MSWLF permit programs prior to the promulgation of the STIR. EPA interprets the requirements for States or Tribes to develop ``adequate'' programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an ``adequate'' program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

## B. State of Wyoming

On November 6, 1992, Wyoming submitted an application for partial program adequacy determination for the State's MSWLF permit program. On October 8, 1993, EPA published a final determination of partial adequacy for Wyoming's program. Further background on the final partial program

determination of adequacy appears at 58 FR 52491 (October 8, 1993).

EPA approved the following portions of the State's MSWLF permit program:

1. Location restrictions for airports, flood plains, wetlands, fault areas, seismic impact zones, and unstable areas (40 CFR 258.10 through 258.15).

2. Operating criteria for the exclusion of hazardous waste, cover materials, disease vector control, explosive gases, air criteria, access requirements, run-on/run-off control systems, surface water requirements, liquids restrictions, and record keeping requirements (40 CFR 258.20 through 258.29).

3. Design criteria requirements (40 CFR 258.40).

4. Closure and post-closure requirements (40 CFR 258.60 through 258.61).

EPA did not approve the following portions of the State's MSWLF permit program:

1. Wyoming will revise its regulations to incorporate the Federal ground-water monitoring and corrective action requirements in 40 CFR 258.50, 258.51, and 258.53 through 258.58.

2. Wyoming will develop new regulations to incorporate the financial assurance requirements in 40 CFR 258.70 through 258.72 and 258.74. Wyoming will revise its regulations to incorporate the financial assurance requirements in 40 CFR 258.73.

On September 30, 1994, the State of Wyoming submitted a revised application for partial program adequacy determination. EPA reviewed Wyoming's application and tentatively determined that the following portions of the State's subtitle D program will ensure compliance with the Federal Revised Criteria.

1. Ground-water monitoring and corrective action requirements (40 CFR 258.50, 258.51, and 258.53 through 258.58).

2. Financial assurance requirements (40 CFR 258.70 through 258.74)

The October 9, 1991, Final Rules for the MSWLF Criteria included an exemption for owners and operators of certain small MSWLF units from the design (subpart D) and ground-water monitoring and corrective action (subpart E) requirements of the Criteria. See 40 CFR 258.1(f). To qualify for the exemption, the small landfill had to accept less than 20 tons per day, on an average annual basis, exhibit no evidence of ground-water contamination, and serve either:

(i) A community that experiences an annual interruption of at least three consecutive months of surface transportation that prevents access to a regional waste management facility; or

(ii) A community that has no practicable waste management alternative and the landfill unit is located in an area that annually received less than or equal to 25 inches of precipitation.

In January 1992, the Sierra Club and the Natural Resources Defense Council (NRDC) filed a petition with the U.S. Court of Appeals, District of Columbia Circuit, for review of the subtitle D criteria. The Sierra Club and NRDC suit alleged, among other things, that EPA acted illegally when it exempted these small landfills from the ground-water monitoring requirement. On May 7, 1993, the United States Court of Appeals for the District of Columbia Circuit issued an opinion pertaining to the Sierra Club and NRDC challenge to the small landfill exemption. *Sierra Club* v. *United States Environmental Protection Agency*, 992 F.2d 337 (DC Cir. 1993).

In effect, the Court noted that while EPA could consider the practicable capabilities of facilities in determining the extent or kind of ground-water monitoring that a landfill owner/operator must conduct, EPA could not justify the complete exemption from ground-water monitoring requirements. Thus, the Court vacated the small landfill exemption as it pertains to ground-water monitoring, directing the Agency to "... revise its rule to require ground-water monitoring at all landfills."

EPA's final rule of October 1, 1993, as required by the Court, removed the October 9, 1991, small landfill exemption whereby owners and operators of MSWLF units that meet the qualifications outlined in 40 CFR 258.1(f) are no longer exempt from ground-water monitoring requirements in 40 CFR 258.50 through 258.55. The final rule does, however, provide for an extension for *all* of the MSWLF criteria requirements for a period up to two years for all MSWLF units that meet the small landfill exemption in ß258.1(f) for ground-water monitoring and corrective action as follows: October 9, 1995, for new units; and October 9, 1995 through October 9, 1996, for existing units and lateral expansions.

The U.S. Court of Appeals in its decision did not preclude the possibility that the Agency could establish separate ground-water monitoring standards for the small dry/remote landfills that take such factors as size, location, and climate into account.

The Agency will continue to maintain an open dialogue with all interested parties to discuss whether alternative ground-water monitoring requirements should be established and will continue to accept information on alternatives. At this time, the Agency is investigating this issue and cannot be certain that practicable alternatives for detecting ground-water contamination will exist for MSWLF units that would qualify for the exemption under ß258.1(f). The October 9, 1993 final rule does not link the effective date of ground-water monitoring for landfills that qualify for the small/arid and remote exemption to promulgation of alternative ground-water monitoring requirements.

Under Wyoming rules, the State's 71 active MSWLF's , by definition, consist of Type I and Type II landfills. Type II landfills, which make up the vast majority of landfills in Wyoming, fit the same definition as those defined as small/arid and remote landfills under ß258.1(f). The State's Type I landfills are those that are *not* Type II landfills. Type II landfills currently comply with State ground-water monitoring and corrective action rules.

Since the State's Type II landfills are not required to comply with ground-water monitoring and corrective action criteria as defined in ß258.1(f) until October 9, 1996, the State is not seeking approval for this portion of their program at this time. When EPA promulgates final revisions to the MSWLF ß258.1(f) criteria and provides enough latitude for states to tailor these requirements for small, arid landfills, then the State of Wyoming will need to update their rules. It is the State of Wyoming's position that when EPA promulgates final rule revisions to the MSWLF criteria in ß258.1(f), Wyoming will revise its application for full program approval to bring Type II landfills into compliance with part 258 criteria for ground-water monitoring and corrective action.

Although RCRA does not require EPA to hold a public hearing on a determination to approve a State/Tribe's MSWLF program, the Region has tentatively scheduled a public hearing on this determination. If a sufficient number of people express interest in participating in a hearing by writing the Region or calling the contact within 30 days of the date of publication of this notice, the Region will hold a hearing on March 13, 1995, at the Wyoming Department of Environmental Quality, Herschler Building, 1st Floor Conference room 1299, 122 West 25th Street, Cheyenne, Wyoming 82002 at 10 a.m.

In its application for adequacy determination, Wyoming has not assertedjurisdiction over Indian Country, as defined in 18 U.S.C. 1511.

Accordingly, this approval does not extend to lands within Indian Country in Wyoming, including lands within the exterior boundaries of the Wind River Reservation. Until EPA approves a State or Tribal MSWLF permitting program in Wyoming for any part of Indian Country, the requirements of 40 CFR part 258 will, after October 9, 1993, automatically apply to that area. Thereafter, the requirements of 40 CFR part 258 will apply to all owners/operators of MSWLFs located in any part of Indian Country that is not covered by an approved State or Tribal MSWLF permitting program.

EPA will consider all public comments on its tentative determination received during the public comment period and during any public hearing held. Issues raised by those comments may be the basis for a determination of inadequacy for Wyoming's program. EPA will make a final decision on whether or not to approve Wyoming's program and will give notice of it in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the Federal MSWLF Criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF Criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

### Compliance With Executive Order 12286

The Office of Management and Budget has exempted this notice from the requirements of section 6 of Executive Order 12866.

### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this tentative approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This proposed notice, therefore, does not require a regulatory flexibility analysis.

**Authority:** This notice is issued under the authority of sections 2002, 4005, and 4010 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6912, 6945, and 6949(a).

Dated: January 11, 1995.

**Jack McGraw,**

*Acting Regional Administrator.*

[FR Doc. 95±2437 Filed 1±31±95; 8:45 am]

BILLING CODE 6560–50–F

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**[OPP–240106; FRL–4932–7]**

## Statement of Policy for Special Local Needs Registrations; Notice of Availability and Request for Comments

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

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** EPA is soliciting comments on a proposed policy which streamlines the special local needs registration process for states and the Agency. That policy is described in a draft document entitled, ``Guidance on Section 24(c) Registrations.'' Interested parties may request this document as described in the ADDRESSES unit of this notice.

**DATES:** Written comments, identified by the docket number [OPP±240106], must be received on or before April 3, 1995.

**ADDRESSES:** The guidance document is available by mail: Bill Shiflet, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, In person: Rm. 241 Bay, 1921 Jefferson Davis Highway, Arlington, VA, Telephone: (703) 305± 6250. Submit written comments by mail to: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as ``Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1128 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: James A. Tompkins, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 239, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305±6250.

**SUPPLEMENTARY INFORMATION:** As part of its streamlining and risk reduction efforts, the Agency has evaluated the 24(c) registration process and developed guidance and process improvements which will enable the states and EPA to process 24(c) registrations faster with fewer resources, and to promote the goals of risk reduction and pollution prevention. The proposed guidance document clarifies existing regulations (40 CFR part 162) and provides additional detailed guidance. The guidance document is intended to empower states to operate more independently to reduce EPA's use of resources on 24(c) registrations and to further the goals of the agency in the areas of reduced risk and pollution prevention. This **Federal Register** notice announces the availability of the draft Pesticide Regulation (PR) Notice and solicits comment on the proposed policy. After reviewing public comments received, EPA may make changes to the Policy and revise the draft PR Notice prior to release.

### List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: January 17, 1995.

**Stephen L. Johnson,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 95±2443 Filed 1±31±95; 8:45 am]

BILLING CODE 6560–50–F

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**[OPP–30379; FRL–4931–3]**

## Certain Companies; Applications to Register Pesticide Products

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

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATES:** Written comments must be submitted by March 3, 1995.

**ADDRESSES:** By mail, submit written comments identified by the document