18, 1995, Contact: Manual Mark (717) 782–3461.

EIS No. 950474, DRAFT EIS, COE, KY, TN, Fort Campbell Rail Connector, Construction between the Government-Owned Line Railroad and CSX Line, Hopkinsville and Clarkville, Christian Co., KY and Montgomery and Stewart Counties, TN, Due: December 11, 1995, Contact: William Ray Haynes (502) 582–6475.

EIS No. 950475, FINAL EIS, DOE, WA, OR, Resource Contingency Program, Construction and Operation, Site Specific, Hermiston Power Project, Umattilla County, OR, Due: November 27, 1995, Contact: Rob Diffely (503) 230–4213.

EIS No. 950476, DRAFT EIS, FRC, OR, Leaburg-Walterville Hydroelectric (FERC. No. 2496) Project, Issuance of New License (Relicense), Funding and Land Trust Acquisition, McKenzie River, Lane County, OR, Due: December 26, 1995, Contact: Edward R. Meyer (202) 208–7998.

EIS No. 950477, DRAFT EIS, AFS, OR, Upper Deschutes Wild and Scenic River and State Scenic Waterway, Management Plan, Implementation, Deschutes National Forest, Deschutes County, OR, Due: December 15, 1995, Contact: Mollie Chaudet (503) 383–4769.

EIS No. 950478, FINAL EIS, AFS, MT, Two Joe Timber Sales, Implementation, Lolo National Forest, Superior Ranger District, St. Regis River, Mineral County, MT, Due: November 27, 1995, Contact: Terry Egenhoff (406) 822–4233.

EIS No. 950479, DRAFT EIS, FRC, GA, SC, North Georgia Hydroelectric Project, (FERC. No. 2354–018) Issuance of Relicensing, Savannah River Basin, Tallulah, Tugalo and Chattooga Rivers, GA and SC, Due: December 26, 1995, Contact: Joe Davis (202) 219–2865.

EIS No. 950480, DRAFT EIS, FHW, WI, WI–10 Highway Corridor, Construction between Village of Fremont and WI–45 near Appleton Urban Area, Funding and COE Section 404 Permit, Winnebago, Outagamic, Waupaca and Waushara Counties, WI, Due: December 11, 1995, Contact: Johnny M. Gerbitz (608) 829–7500.

EIS No. 950481, DRAFT EIS, AFS, CA, NV, North Shore Ecosystem Management Project, Implementation, Lake Tahoe Basin Management Unit, Washoe and Placer County, CA and NV, Due: December 19, 1995, Contact: Joe Oden (916) 573–2600.

EIS No. 950482, FINAL EIS, FHW, CA, CA–150/Rincon Creek Two Bridges Replacement, 1.0 mile east of CA–101 to 1.9 miles east of CA–101, Funding, Santa Barbara and Ventura Counties, CA, Due: November 27, 1995, Contact: John R. Schultz (916) 498–5867.

EIS No. 950483, FINAL EIS, NRC, UT, Muddy Creek Orderville Watershed Plan, Offsite Salt and Sediment Damage to Water Quality in the Virgin River and the Colorado River, Wildlife Habitat and Rangeland Productivity Enhancements, Approvals and Funding, Kane County, UT, Due: November 27, 1995, Contact: Philip L. Nelson (801) 524–5050.

EIS No. 950484, DRAFT EIS, BOP, HI, Honolulu, Hawaii Detention Facility, Construction and Operation, Site Selection, Fort Armstrong, Ualena Street, Lagoon Drive, Elliott Street, HI, Due: December 11, 1995, Contact: David J. Dorworth (202) 514–6470.

EIS No. 950485, DRAFT EIS, COE, LA, Programmatic EIS—Marsh Management Project, Hydrologic Manipulation, COE Section 10 and 404 Permit Issuance, Coastal Wetland of Louisiana a part of the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) River Basins, LA, Due: December 26, 1995, Contact: Robert Bonsenberg (504) 862–2522.

EIS No. 950486, FINAL EIS, DOE, TX, ID, NV, SC, TN, Programmatic EIS—Tritium Supply and Recycling Facilities Siting, Construction and Operation, Implementation, Idaho National Engineering Laboratory, ID; Nevada Test Site, NV; Oak Ridge Reservation, TN; Pantex Plant, TX or Savannah River Site, SC, Due: November 27, 1995, Contact: Stephen M. Sohinki (202) 586–0838.

EIS No. 950487, DRAFT EIS, DOE, TN, SC, VA, Disposition of Surplus Weapons-Usable Highly Enriched Uranium (HEU) to Low Enriched Uranium (LEU), Site Selection, Y–12 Plant Oak Ridge, TN; Savannah River Site, Aiken, SC; Babcock & Wilcox Naval Nuclear Fuel Division, Lynchburg, VA and Nuclear Fuel Services Plant, Erwin, TN, Due: December 11, 1995, Contact: J. David Nulton (202) 586–4513.

EIS No. 950488, DRAFT EIS, SFW, TX, Balcones Canyonlands Conservation Plan, Issuance of a Permit to Allow Incidental Take of Gold-Cheeked Warbler, Black-capped Vireo and Six Karst Invertebrates, Travis County, TX, Due: December 11, 1995, Contact: Joseph E. Johnston (512) 490–0063.

EIS No. 950489, DRAFT EIS, COE, IN, Indiana Harbor and Canal Dredging and Confined Disposal Facility, Construction and Operation, Comprehensive Management Plan, East Chicago, Lake County, ID, Due: February 01, 1996, Contact: Keith Ryder (312) 353–7795.

Dated: October 24, 1995.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 95–26742 Filed 10–26–95; 8:45 am]

BILLING CODE 6560–50–U

[FRL–5320–9]

Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to grant a case-by-case extension.

SUMMARY: EPA is proposing to grant the request from Abbott Laboratories, Wichita, Kansas for a case-by-case extension of the RCRA land disposal restriction (LDR) treatment standards applicable to waste displaying the ignitable characteristic high total organic carbon (TOC) (EPA Hazard Code D001). The extension would be granted for a one year period beginning September 19, 1995, and allow the continued injection of the formerly ignitable, high TOC wastestream into Abbott's Underground Injection Control (UIC) Class I Nonhazardous Waste injection well.

This case-by-case extension is only for the waste code impacted by the September 19, 1994 Land Disposal Restrictions, Phase II. This action responds to a petition submitted under 40 CFR 148.4 according to procedures set out in 40 CFR 268.5, which allow any person to request that the Administrator grant an extension. To be granted such a request, the applicant must demonstrate that the petitioner has entered into a binding contractual commitment to construct or otherwise provide adequate alternative treatment, recovery, or disposal capacity for the petitioner's waste. If this proposed action is finalized, Abbott Laboratories would be allowed to continue to land dispose of its ignitable characteristic high total organic carbon (TOC) (EPA Hazard Code D001) until September 19, 1996, without being subject to the land disposal restrictions applicable to such wastes.

DATES: Comments on this notice must be received on or before November 27, 1995.

ADDRESSES: The public must send an original and two copies of their comments to Environmental Protection Agency, Region 7, Water and Pesticide Division, Drinking Water Supply

Branch, 726 Minnesota Ave., Kansas City, Kansas 66101. The docket is available for review during normal business hours, 8:00 a.m. through 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For information contact Robert L. Morby, Chief Drinking Water/Groundwater Management Branch, EPA-Region 7 or telephone (913) 551–7682.

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), to impose additional responsibilities on persons managing hazardous wastes. Among other things, HSWA required EPA to develop regulations that would impose restrictions on the land disposal of hazardous wastes. In particular, Sections 3004 (d) through (g) prohibit the land disposal of certain hazardous wastes by specified dates in order to protect human health and the environment; except that wastes that meet treatment standards established by EPA are not prohibited and may be land disposed. Section 3004(m) requires EPA to set ''levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized.''

In developing such a broad program, 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. Section 3004(h)(1) authorizes EPA to grant a variance (based on the earliest dates that such capacity will be available, but not to exceed two years) from the effective date, which would otherwise apply to specific hazardous wastes. In addition, under Section 3004(h)(2), EPA is authorized to grant an additional capacity extension of the applicable deadline on a case-by-case basis for up to one year. Such an extension is 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 procedures for submitting case-by-case extension applications. On July 28, 1988, EPA published a final rule (53 FR 28118) establishing restrictions and requirements for Class I hazardous waste injection wells, including framework for the no-migration petition process and allowing case-by-case extensions under § 148.4 following § 268.5 procedures. On September 19, 1994, EPA finalized changes to the land disposal restrictions program that alter how some materials, including toxic characteristic wastes are disposed in Class I nonhazardous waste injection wells. The rule provided more consistency to the land disposal restriction program by setting a single set of requirements—universal treatment standards. Among other things, this final rule required that hazardous constituents in two types of characteristic wastes, high total organic carbon (TOC) ignitable liquids (D001), and halogenated pesticide wastes that exhibit the toxicity characteristic (D012–D017), be fully treated before those wastes are disposed, unless the wastes are disposed in an injection well that has a no-migration variance.

The Agency believes that treatment of these particular wastestreams is warranted. The D001 wastes are ignitable with potentially high concentrations of hazardous constituents, and the pesticide wastes contain particularly toxic constituents.

B. Demonstrations Requirements Under 40 CFR 268.5 for Case-by-Case Extension

1. Summary of Requirements

Case-by-case extension applications must satisfy the requirements outlined in 40 CFR 268.5. These requirements include those specified in RCRA section 3004(h)(3): The applicant must have entered into a binding contractual commitment to construct or otherwise provide alternative capacity [40 CFR 268.5 (a)(2)], but due to circumstance beyond applicants control, this alternative capacity cannot reasonably be made available by the applicable effective date. [40 CFR 268.5 (a)(3)].

In addition, EPA has established by regulation the following requirements: In § 268.5(a)(1), the applicant must make a good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage its waste in accordance with the effective date of the applicable restriction. In § 268.5(a)(3), due to circumstances beyond the applicant's control, such alternative capacity cannot reasonably be made available by the applicable effective date. This demonstration may include a showing that the technical and practical difficulties associated with providing the alternative capacity will result in the capacity not being available by the applicable effective date.

The applicant must also show that the capacity being constructed or otherwise provided by the applicant will be sufficient to manage the entire quantity of waste that is the subject of the application [§ 268.5(a)(4)]. In section 268.5(a)(5), the applicant must provide a detailed schedule for obtaining operating and construction permits or an outline of how and when alternative capacity will be available. Further, the applicant has arranged for adequate capacity to manage its waste during an extension, and has documented the location of all sites at which the waste will be managed [§ 268.5(a)(6)].

If the waste would be disposed of in a surface impoundment or landfill during the period of the extension, § 268.5(a)(7) states, any waste managed in a surface impoundment or landfill during the extension period will meet the requirements. After an applicant has been granted a case-by-case extension, he is required to keep EPA informed of the progress being made towards obtaining adequate alternative treatment, recovery, or disposal capacity.

Any change in the demonstration made in the petition must be immediately reported to the Agency [40 CFR 268.5(f)]. Also, at specified intervals, he must submit progress reports which describe the progress being made towards obtaining alternative capacity, identify any delay or possible delay in developing capacity, and describe the mitigating actions being taken [40 CFR 268.5(g)].

2. Commitment to Provide Protective Disposal Capacity

EPA believes that the applicant has shown the necessary commitment to provide protective disposal capacity within the meaning of RCRA section 3004 (h)(3) and 40 CFR 268.5 (a)(1). These provisions require an applicant to make two showings: (1) That the proposed ''disposal capacity'' is ''protective of human health and the environment'', and (2) that the applicant has made ''a binding contractual commitment to construct or otherwise provide such capacity.'' The Agency construes the first phrase to mean a no migration unit. No migration findings in 40 CFR parts 148 and 268 provide for a variance to the land disposal prohibition accordingly, are functionally equivalent to compliance with treatment standards under part 268.

With respect to showing a ''binding contractual commitment'', where applicants have already constructed

(and, indeed, are operating) the disposal unit at issue, EPA interprets the regulatory language to require objective indicia of applicant's commitment to provide this capacity. EPA approach is in line with similar practical interpretations of regulatory language. For example, the Agency has construed the term ''commenced construction'' to include facilities which have completed construction, but did not commence operations. See 40 FR 2344, 2346 (January 8, 1981).

EPA does not believe that the simple filing of a no migration petition provides sufficient indication that the applicant will provide protective disposal capacity. Where an applicant seeks to provide treatment capacity, EPA can rely on design criteria as a basis to predict that the treatment capacity will provide for treatment in compliance with 40 CFR part 260. Because the Agency was less certain that the no migration finding would be forthcoming in a given circumstance, EPA had previously stated that a no migration petition and the Agency's failure to process such petition before an effective date cannot itself provide a basis for case-by-case extensions. See 53 FR 28124 (July 20, 1988). EPA has reevaluated this interpretation and believes that where the Agency has concluded that a no migration petition is sufficient to propose a no migration finding, this proposed finding is legitimate indicia that the applicant is, in good faith, committed to providing protective disposal capacity for purposes of 40 CFR 268.5. See 55 FR 22520.

If EPA were to require an actual no migration finding as a condition for a case-by-case extension, such a reading would effectively read the phrase ''protective disposal capacity'' out of RCRA 3004(b)(3) in violation of all standard tenets of statutory construction, which require that all terms be given effect when possible. The term would be read out of the statute, because once the no migration petition was granted, there is no need to seek a case-by-case extension as wastes could be disposed directly in the unit. In addition, case-by-case extensions necessarily involve predictions about future capacity. For example, such predictive findings specifically include the need for permits that may not yet be issued. See 40 CFR 286.5(a)(5).

The proposed case-by-case extensions is based on objective indicia of the applicants' commitment to provide disposal capacity. First, the petitioner's application is based on an already constructed well. Thus, the petitioner's commitment is more definitive than petitions based solely on contracts to construct such capacity. [See RCRA section 3004(b)(3)] Secondly, the injection well has been permitted under both RCRA and SDWA standards, thus further demonstrating a commitment to provide this capacity. Thirdly, the applicant has made substantial contractual commitments in preparing the no migration petition.

3. Requirement To Seek Other Alternative Capacity

The applicant's commitment to provide protective disposal capacity is not the sole basis for EPA granting a case-by-case extension. Under 40 CFR 268.5 (a)(1), applicants must also make a good faith effort to seek other protective treatment, recovery or disposal, where feasible during the period that the proposed alternative capacity is not available. Such good faith efforts under 268.5(a)(1) can be evaluated considering both the expected time period that the alternative capacity will take to become available and technical difficulties that the operator will face in bringing the waste to alternative capacity in consideration of factors in 268.5(a)(3).

There is limited other capacity under (a)(1) to eventually handle the waste from the well operator in this proposal. However, due to logistic problems of retooling, repiping, and transportation of the large volume of waste at issue, this other capacity is not reasonably available during the short period of time EPA anticipates is necessary to process final no migration approvals or denials for this well.

4. Reasons Alternative Capacity Cannot Reasonably Be Made Available by the Applicable Effective Date

The applicant has, in good faith, pursued the no migration process with reasonable belief that the Agency would provide a no migration finding by September 19, 1995, effective date. The operator submitted their no migration petition in a timely manner, and have responded appropriately to Agency requests for additional information in order to make a determination on the petition. The timing of the actual finding is beyond the applicant's control. The order in which decisions are made is primarily a function of the Agency resources and priorities. This no migration review process is the reason that the applicant's well may not be available as a no migration unit by the effective prohibition date. The applicant has documented several logistic problems that make short-term capacity not reasonably available. The facility in question involves production operations directly connected by piping, or otherwise rely on immediate disposal in an on-site injection well. In order to make the necessary adjustments, the facility would need to temporarily shutdown, perform necessary retooling and repiping, and construct a transportation system to move the large volumes of waste at issue. The receiving facility would also need to make substantial adjustments to receive these large waste volumes. Also, there is not sufficient offsite capacity. These factors indicate that the other capacity is not reasonably available for short-term waste management. EPA has relied on similar criteria in providing nationwide variances under RCRA 3004 (h)(2). See 55 FR 22520.

II. Petitioner

A. Facility Summary

Abbott Laboratories has petitioned EPA for a six month extension of the September 19, 1995, effective date of the RCRA land disposal restrictions (LDR) treatment standards applicable to waste displaying the ignitable characteristic high (TOC) total organic carbon (EPA Hazard Code D001).

EPA is proposing to grant an extension of the effective date of the applicable restrictions for six months from the hazardous waste injection restrictions effective date of September 19, 1995, for the above, referenced waste from this facility. Abbott Laboratories request and supporting documentation is available in the public docket for this rulemaking. Interested persons are invited to submit comments or written data on this 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.

B. Description of Petitioning Facility

Abbott Laboratories which is a chemical manufacturing company operates a restricted nonhazardous waste injection well in Wichita, Kansas.

C. Case-By-Case Extension Petition Demonstrations

Abbott Laboratories application for an extension of the effective date includes the following demonstrations:

40 CFR 268.5(a)(1) Abbott Laboratories has made a good-faith effort on a nationwide basis to locate and contract for adequate alternative treatment, recovery, or disposal capacity, or establish such capacity by the effective date of the applicable restrictions.

40 CFR 268.5(a)(2) Abbott Laboratories has entered into a binding

contractual commitment to provide alternative treatment, recovery, or disposal capacity.

40 CFR 268.5(a)(3) Abbott Laboratories has shown the lack of alternative capacity is beyond its control.

40 CFR 268.5(a)(4) Abbott Laboratories has shown that there will be adequate alternative treatment, recovery, or disposal capacity for all waste after the effective date established by the extension.

40 CFR 268.5(a)(5) Abbott Laboratories has provided a detailed schedule for obtaining alternative capacity including dates.

40 CFR 268.5(a)(6) Abbott Laboratories has arranged for adequate capacity to manage waste during the extension period.

40 CFR 268.5(a)(7) No surface impoundments or landfills will be used by Abbott Laboratories to manage the waste during the extension period.

III. EPA's Proposed Action

For the reasons discussed above, the Agency believes that Abbott Laboratories demonstrations have satisfied all the requirements for a case-by-case extension of the September 19, 1995, effective date of the hazardous waste injection well restriction.

Therefore, EPA is proposing to grant an extension of the September 19, 1995, effective date on the waste for Abbott Laboratories. If the extension is granted for this waste, which would not be prohibited from land disposal, it could be injected over a 12 month period, starting from the effective date of September 19, 1995, but not later than September 19, 1996. If during the time frame of this case-by-case extension, a final decision of the applicant's no migration petition is made, then the case-by-case extension will expire.

If Abbott Laboratories obtains a case-by-case extension, they would have to submit a report two months after the date the extension is granted, addressing the status or any progress being made to obtain alternative disposal capacity. The Agency must be notified of any change in the conditions specified in the petition. The extension would remain in effect unless Abbott Laboratories fails to make a good faith effort to meet the schedule for completion, the Agency denies or revokes any required permit conditions certified in the application change, or if Abbott Laboratories violate any law or regulations implemented 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: October 6, 1995.

Dennis Grams,

Regional Administrator, Region VII.

[FR Doc. 95–26657 Filed 10–26–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5320–8]

Notice of Proposed Administrative ''De Minimis Contributor'' Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), notice is hereby given of a proposed administrative *de minimis* contributor, settlement concerning the Pab Oil Chemical Services, Inc. Superfund Site in Abbeville, Louisiana with the following settling parties:

Patrick Petroleum Company
Anadarko Petroleum Corporation
Borden, Incorporated
Francis Drilling Fluids, Ltd.
Jones-O'Brien Incorporated
Kerr-McGee Corporation
N.R. Broussard Landing, Incorporated
Soloco
Oxy USA, Incorporated
Sonat Exploration Company
Enron Oil and Gas Company
Hilliard Oil and Gas, Incorporated
Koch Gateway Pipeline Company (F/K/A United Gas Pipe Line Company)
W.W.F. Oil Corporation
Stone Petroleum Corporation
Wolverine Exploration
Armco, Inc.
Weatherford International Incorporated
Southland Rentals
Pennzoil Company

The settlement requires the settling parties to pay $694,671.00 to the Hazardous Substances Superfund. The settlement includes an EPA covenant not to sue the settling parties pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202–2733. Commenters may request an opportunity for a public meeting in the affected area in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

DATES: Comments must be submitted on or before November 27, 1995.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202–2733. A copy of the proposed settlement may be obtained from Carl Bolden, 1445 Ross Avenue, Dallas, Texas, 75202–2733 at (214) 665–6713. Comments should reference the Pab Oil and Chemical Services, Inc. Superfund Site in Abbeville, Louisiana and EPA Docket No. 6–17–94 and should be addressed to Carl Bolden at the address listed above.

FOR FURTHER INFORMATION CONTACT: Keith Smith, 1445 Ross Avenue, Dallas, Texas, 75202–2733 at (214) 665–2157.

Dated: October 13, 1995.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 95–26654 Filed 10–26–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5320–7]

Notice of Proposed Administrative ''De Minimis'' Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), notice is hereby given of a proposed administrative ''*de minimis*'' (*de micromis*) contributor, settlement pursuant to Section 122 (g) of CERCLA, concerning the Poly-Cycle Industries, Inc. Superfund Site in Tecula, Cherokee County, Texas with the following settling parties:

A & A Auto Machine Shop
N.A. Morphis
J.E. Scott
Television Cable Service, Inc., FKA United Artist Cable