port through which the product or device is to be imported.

Part I of the form requests identification and address information of the importer or his agent followed by information on the imported pesticide or device, e.g., the active ingredients or devices produced, brand name, and the product registration number (for pesticides but not devices) and the establishment registration number. Certain information reported on the form (names and addresses of broker or agent, of importer or consignee, and of shipper, along with unit size, quantity, total net weight, country of origin, port of entry, carrier, entry number, and entry date) may be claimed as Confidential Business Information (CBI). Other information (EPA Registration Number, EPA Producer Establishment Number, the brand name of product, and major active ingredients and percentage of each) may not be claimed as CBI.

EPA Regional personnel review the completed form for completeness and accuracy and to determine: (1) If the product is registered and has a valid registration number, (2) if the product contains an active ingredient that has been suspended or cancelled, (3) if the pesticide was produced in a registered and active pesticide producing establishment, and (4) if the product is misbranded. EPA resolves any discrepancies on the report with the importer or his agent. If the information on the form is correct, Part II is signed and the form is returned to the respondent with approval.

Upon the arrival of the shipment, the importer presents the NOA to the District Director of U.S. Customs at the port of entry. U.S. Customs compares entry documents for the shipment with the Notice of Arrival; it notifies the EPA Regional Office of any discrepancies between the NOA and the entry documents and releases the shipment for entry after receipt of EPA clearance. Customs signs Part III of the form, returns the Official File Copy to EPA, and retains the Customs' Copy to complete this portion of the transaction.

The purpose of this reporting requirement is to insure that no unregistered or misbranded pesticides enter the U.S. Uniform reporting of information submitted for pesticides arriving in the customs territory of the U.S. is necessary to monitor compliance with FIFRA, to identify the responsible party in cases of violations, and to determine specific information regarding the source of any pesticide in question. The information permits EPA to trace ineffective, contaminated, or otherwise violative products to their source, and minimizes any adverse environmental impact that might arise from this importation of violative products. Additionally, by requiring brokers/agents to offer documentation to Customs and EPA of the importation of registered pesticides the flow of commerce for approved products is facilitated.

The information collected is used by EPA Regional pesticide enforcement and compliance staffs and the Headquarters Office of Enforcement and Compliance Assurance and Office of Pesticide Programs. Customs, the U.S. Department of Agriculture, the Food and Drug Administration, and other federal agencies may also make use of this information.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement

Burden Hours per Response: 0.3 hour per NOA to include time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the application.

Frequency of Response: Once per shipment of pesticide or device imported.

Number of Respondents: 7,000 annually.

Total annual reporting and record-keeping burden: 2,100 hours.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

No person is required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for EPA's regulations are displayed in 40 CFR part 9.

Send comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

Dated: November 13, 1995.

Elaine S. Stanley,

Director, Office of Compliance, Office of Enforcement and Compliance Assurance.

[FR Doc. 95–29038 Filed 11–27–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5335–1]

Notice of Intent to Reissue an Exemption From the Land Disposal Restrictions of the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA) Regarding Injection of Hazardous Waste to Cabot Corporation

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Reissue an Exemption to Cabot Corporation (Cabot) of Tuscola, Illinois, for the Injection of Waste Hydrochloric Acid and Specified Hazardous Constituents Found in Ground Water at the Tuscola Facility.

SUMMARY: The United States Environmental Protection Agency (EPA or Agency) is today proposing to reissue an exemption from the ban on disposal of certain hazardous wastes through injection wells to Cabot Corporation for its site at Tuscola, Illinois. On November 6, 1990, the Agency issued Cabot an exemption for injection of certain hazardous wastes into Waste Disposal Well (WDW) No. 2 after determining that there is a reasonable degree of certainty that Cabot's injected wastes will not migrate out of the injection zone within the next 10,000 years. On February 4, 1991, Cabot was granted an exemption to allow use of WDW No. 1 at the facility for the disposal of the same wastes injected through the WDW No. 2. The exemption was modified on November 4, 1994, to include monitor well purge water. If granted, the proposed reissuance would allow Cabot to inject the RCRA

regulated wastes D002, F003, and F039, which are already injected through WDWs Nos. 1 and 2, through WDW No. 3 and will add information gained as a result of the drilling of WDW No. 3 to the administrative record. WDW No. 1 will be closed after WDW No. 3 is put on line.

DATES: The EPA is requesting public comments on its proposed decision to reissue the exemption condition described above. Comments will be accepted until 45 days after the date of publication of the notice in local newspapers. Comments on any aspect of the no-migration demonstration and integrity of the deepwell disposal system are admissible because the exemption is proposed for reissuance in its entirety. Comments postmarked after the close of the comment period will be stamped ''Late''. A public information meeting and a public hearing to allow comment on this action may be scheduled if significant comments are received, and a notice of these meetings will be given in a local paper and to all people on a mailing list developed by the Agency. If you wish to request that a public hearing be held or to be notified of the date and location of any pubic hearing held, please contact the lead petition reviewer listed below.

ADDRESSES: Submit written comments, by mail, to: United States Environmental Protection Agency, Region 5, Underground Injection Control Branch (WD–17J), 77 West Jackson Street, Chicago, Illinois 60604, Attention: Rebecca L. Harvey, Chief.

FOR FURTHER INFORMATION CONTACT: Harlan Gerrish, Lead Petition Reviewer, UIC Section, Water Division; Office Telephone Number: (312) 886–2939; 17th Floor, Metcalfe Building, 77 West Jackson Street, Chicago, Illinois.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

The Hazardous and Solid Waste Amendments of 1984 (HSWA), enacted on November 8, 1984, impose substantial new responsibilities on those who manage hazardous waste. The amendments prohibit the land disposal of untreated hazardous waste beyond specified dates, unless the Administrator determines that the prohibition is not required in order to protect human health and the environment for as long as the waste remains hazardous (RCRA Sections 3004 (d)(1), (e)(1), (f)(2), (g)(5)). The statute specifically defined land disposal to include any placement of hazardous waste in an injection well (RCRA Section 3004(k)). After the effective date of prohibition, hazardous waste can be injected only under two circumstances:

(1) When the waste has been treated in accordance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR) Part 268 pursuant to Section 3004(m) of RCRA, (the EPA has adopted the same treatment standards for injected wastes in 40 CFR Part 148, Subpart B); or

(2) When the owner/operator has demonstrated that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. Applicants seeking this ''no-migration'' exemption from the ban must demonstrate to a reasonable degree of certainty that hazardous waste will not leave the injection zone until either:

(a) The waste undergoes a chemical transformation within the injection zone through attenuation, transformation, or immobilization of hazardous constituents so as to no longer pose a threat to human health and the environment; or

(b) The fluid flow is such that injected fluids will not migrate vertically upward out of the injection zone, or laterally to a point of discharge or interface with an underground source of drinking water (USDW), for a period of 10,000 years.

The EPA promulgated final regulations on July 26, 1988, (53 FR 28118) which govern the submission of petitions for exemption from the injection well disposal prohibition (40 CFR Part 148). Most companies seeking exemption have opted to demonstrate waste confinement (option (b) above) rather than waste transformation (option (a) above). A time frame of 10,000 years was specified for the confinement demonstration not because migration after that time is of no concern, but because a demonstration which can meet a 10,000 year time frame will likely provide containment for a substantially longer time period, and also to allow time for geochemical transformations which would render the waste immobile. The Agency's confinement standard thus does not imply that leakage will occur at some time after 10,000 years, rather, it is a showing that leakage will not occur within that time frame and probably much longer.

The EPA regulations at 40 CFR 148.20(e) provide that any person who has been granted an exemption to the land disposal restrictions may request that the Agency reissue the exemption to include additional wastes, or modify any conditions placed on the exemption by the Director. If the petitioner complies with 40 CFR 148.20 (a), (b), and (c) the exemption shall be reissued. Reissuance allows reconsideration of all factors involved in the determination that land disposal through injection is protective of the health of persons. Cabot has submitted data from testing of WDW No. 3 that shows that the assumptions used in 1990 to calculate the distance of migration of hazardous constituents were very conservative. In fact, the distance of waste migration can be expected to be considerably less than previously determined. Cabot has requested that the administrative record be updated to include this new information and to show that the earlier modeling results are considerably more conservative than necessary.

Neither the existing exemption from the restrictions of the HSWA to RCRA nor this reissuance exempts Cabot from the duty to comply with other laws or regulations.

B. Facility Operation and Process

The Cabot facility in Tuscola, Illinois, is a chemical manufacturing plant designed to produce fumed silica, SiO_2 or silicon dioxide, which is used as an additive in many products. The central reaction in the manufacturing process is combination of silicon tetrachloride with oxygen and hydrogen to produce both fumed silica and hydrogen chloride vapor. Separation results in fumed silica, product hydrochloric acid, and wastewaters contaminated with hydrochloric acid which must be disposed of. This waste, along with rainwater runoff and seepage into a subsurface drainage system, are normally injected into Cabot's on-site, Class I hazardous waste injection wells.

C. Exemption

The current exemption allows Cabot to inject wastes bearing RCRA waste codes D002, F003, and F039 into parts of the Franconia, Potosi, and Eminence Dolomites, the Gunter Sandstone Formation, and Oneota Dolomite found between 5,400 and 4,442 feet below the kelly bushing elevation in WDW No. 2 and extending radially 23,500 feet from WDW No. 2.

D. Submission

On August 15, 1995, Cabot submitted a written request that its exemption be reissued to change the condition that wastes be injected only through WDWs No. 1 and 2 to include WDW No. 3. WDW No. 3 was constructed to replace WDW No. 1 which has a limited capacity due to size of well elements, and it has had mechanical problems which threaten its usefulness. In addition, Cabot wished to add information relevent to the

demonstration of no migration gained as a result of testing carried out during the construction of WDW No. 3. The submissions were reviewed by staff at the EPA to ensure that requirements of 40 CFR 148.120(a)(2)(iv) were met and that the conclusions based on testing are consistent with the test data.

II. Basis for Determination

A. Mechanical Integrity of WDW No. 3

On January 19, 1995, a standard annulus pressure test of WDW No. 3 demonstrated the absence of leaks in the tubing, packer, and casing, and on January 20, a radioactivity tracer test was used to demonstrate the integrity of the annular seal and bottom-hole cement of WDW No. 3 as required by 40 CFR 148.20(a)(2)(iv). The results of these tests were submitted as parts of the completion report for WDW No. 3, and are incorporated into the administrative record for this proposed decision.

B. Model Demonstration of No Migration

The grant of an exemption from the land disposal restrictions imposed by the HSWA of RCRA is based on a demonstration that disposed wastes will not migrate out of the waste management unit, which is defined as the injection zone and is specifically those parts of the Franconia, Potosi, and Eminence Dolomites, the Gunter Sandstone Formation, and Oneota Dolomite found between depths of 5,400 and 4,442 feet from the kelly bushing elevation in WDW No. 2 and extending radially 23,500 feet from WDW No. 2. The no-migration demonstration is made through use of mathematical simulations which use geological information collected at the site or which is found to be appropriate for the site and mathematical models which have been proven to be capable of simulating natural responses to injection. The simulation is calibrated by matching simulator results against observations at the site. The exemption was based on the injection through two wells with the premise that, at the plume boundary, the effects of injection through two or more wells in close proximity are indistinguishable from those of injection through a single well. Substitution of WDW No. 3 for WDW No. 1 would not require a revision of the modeling, because any change in the plume extent will be contained within the conservatively delineated boundaries established in 1990.

In 1990, Cabot used volumetric calculations including dispersivity to find that the greatest lateral extent of movement by the waste plume will be 17,700 feet. The limit of the waste plume during the life of the facility is the distance required for the pH to be increased to 2 from an original pH of 0.5 due to mixing during advective flow of three times the volume of waste injection expected during the wells' operational lives. No consideration of reaction of injected waste acid and host dolomite which will result in a much more rapid pH neutralization was considered. Additional movement of waste constituents at hazardous levels for the 10,000-year post operating period was determined by calculating the extent of natural ground water movement, including buoyancy and dispersion. The total distance of travel from the wells' centroid required to increase pH from 0.5 to 2 with additional movement of 3,300 feet due to natural flow and 2,500 feet due to buoyancy effects results in a total movement of 23,500 feet. The lateral extent of migration was shown to be less than distances to features which might allow discharge of hazardous waste constituents into USDWs.

The limit of vertical movement was determined by a similar process. The lower starting point used to calculate the distance upward to the point where dispersion would result in waste dilution 10 times greater than that required to increase the waste's pH from 0.5 to 2 was 4,830 feet, the greatest depth at which the packer of WDW No. 1 could be set with no indication of leakage. Long-term vertical movement is primarily due to molecular diffusion through 10,000 years. The calculation showed that the total vertical distance from the surface to the plume boundary is 4,592 feet from the surface. This vertical plume was contained within the waste management unit defined for Cabot's two injection wells. Therefore, the Agency accepted the demonstration and granted an exemption in 1990.

The petitioner has complied with 40 CFR §§ 148.20(a), (b), and (c) by the demonstration described in the proposal to grant the original exemption published in the Federal Register on August 24, 1990, at 55 FR 34739 et seq. The petitioner has further demonstrated the protective nature of land disposal through injection by the submission of additional geological and hydrological data on August 16, 1995. Accordingly, U.S. EPA proposes to reissue the exemption as requested.

III. Conditions of Petition Approval

The existing exemption was granted with conditions. All of the conditions attached to the exemption and modifications remain in force except Nos. 5 and 6 of the exemption granted on February 4, 1991. Condition No. 5 required that an oxygen activation log be run in WDW No. 1 in 1991. Condition No. 6 required annual temperature logging of WDW No. 1. These conditions will be moot after the plugging of WDW No. 1. No new conditions are attached to this reissuance of the exemption.

Dated: November 20, 1995.

Rebecca L. Harvey,

Acting Director, Water Division, Region 5, U.S. Environmental Protection Agency.

[FR Doc. 95–29035 Filed 11–27–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5334–8]

Common Sense Initiative Council, Metal Finishing Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Open Meeting of the Public Advisory Common Sense Initiative Council, Metal Finishing Sector Subcommittee.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is given that, pending resolution of EPA's FY 1996 appropriation, the Metal Finishing Sector Subcommittee of the Common Sense Initiative Council will meet on Thursday and Friday, December 14 and 15, 1995 in Washington, D.C. The Subcommittee will continue project workplan development and discuss procedural substantive issues of importance to the Sector. Limited time will be provided for members of the public to make oral comments at the meeting.

Open Meeting Notice: Notice is hereby given that the Environmental Protection Agency, pending resolution of its FY 1996 appropriation, is convening an open meeting of the Metal Finishing Sector Subcommittee on Thursday and Friday, December 14 and 15, 1995. The meeting will begin on December 14, at 10:00 a.m. EST and run until noon EST. Workgroup meeetings will be held from noon EST until 5:00 p.m. EST. On Friday, December 15, workgroups will reconvene at 8:00 a.m. EST and meet until 10:00 a.m. EST. The Subcommittee will then reconvene and meet from 10:00 a.m. EST until 3:00 p.m. EST. The Subcommittee will be held at the Washington Marriott Hotel, 22nd and M Streets, NW, Washington, D.C. telephone number 202-872-1500. Seating will be available on a first come, first served basis. Limited time will be provided for public comment.