

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Rural Housing and Community Development Service

### Rural Business and Cooperative Development Service

### Rural Utilities Service

### Consolidated Farm Service Agency

### 7 CFR Part 1940

RIN 0575-AB64

### Environmental Program

**AGENCIES:** Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, Rural Utilities Service, and Consolidated Farm Service Agency, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Agencies propose to revise their Environmental regulation. This action is necessary to clarify the meaning of two existing sections. The intended effect of this action is to reorganize and supplement the existing sections to provide a better understanding of the threshold criteria used to differentiate between Class I and Class II environmental assessments.

**DATES:** Comments must be received on or before May 15, 1995.

**ADDRESSES:** Submit written comments in duplicate to the office of the Chief, Regulations, Analysis, and Control Branch, Rural Economic and Community Development, U.S. Department of Agriculture, Room 6348, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, D.C. 20250-0700.

#### FOR FURTHER INFORMATION CONTACT:

Donald O. Lander, Senior Environmental Protection Specialist, Environmental Support Branch, Program Support Staff, Rural Housing and Community Development Service, U.S. Department of Agriculture, Room 6309, South Agriculture Building, 14th Street and Independence Avenue SW.,

Washington, D.C. 20250-0700; telephone (202) 720-9619.

#### SUPPLEMENTARY INFORMATION:

##### Classification

We are issuing this proposed rule in conformance with Executive Order 12866, and the Office of Management and Budget (OMB) has determined that it is a "significant regulatory action".

##### Intergovernmental Consultation

This rule affects the following Agency programs as listed in the Catalog of Federal Domestic Assistance (CFDA):

- 10.434—Nonprofit National Corporations Loan and Grant Program
- 10.760—Water and Waste Disposal Systems for Rural Communities
- 10.761—Technical Assistance and Training Grants
- 10.762—Solid Waste Management Grants
- 10.763—Emergency Community Water Assistance Grants
- 10.766—Community Facilities Loans
- 10.767—Intermediary Relending Programs
- 10.768—Business and Industrial Loans
- 10.769—Rural Business Enterprise and Television Demonstration Grants
- 10.770—Water and Waste Disposal Loans and Grants (Section 306C)
- 10.771—Rural Technology Development Grants

Executive Order 12372 requires intergovernmental consultation with State and local officials. Of the FmHA programs affected by this rule, the following are subject to the provisions of Executive Order 12372: 10.760, 10.763, 10.766, 10.767, 10.768, 10.769, 10.770, and 10.771.

##### Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601-602), the undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program. Therefore a regulatory flexibility analysis was not prepared.

##### Civil Justice Reform

This document has been reviewed in accordance with Executive Order 12778. It is the determination of the Agencies that this action does not unduly burden the Federal Court System in that it meets all applicable standards provided in Section 2 of the Executive Order.

##### Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." The Agencies have determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

##### Paperwork Reduction Act

The information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and has been assigned OMB control number 0575-0094 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This proposed rule does not revise or impose any new information collection or recordkeeping requirement from those approved by OMB.

##### Background

Section 1940.311 describes certain threshold criteria for projects which may complete an environmental review using the format for a Class I environmental assessment.

In § 1940.311(b)(1)(i) there has been confusion as to what constitutes a "substantial increase" relating to a withdrawal or discharge. This confusion has resulted in the unnecessary completion of Class II environmental assessments for some utility projects.

The regulation will be revised to clarify this section by distinguishing between discharges and withdrawals, and to provide guidance relating to substantial increases.

In § 1940.311(b)(1)(ii) there has been confusion about interpreting the withdrawal rate to achieve a 50,000 gallon per day withdrawal from surface or groundwater for a new withdrawal facility. A common engineering practice is to design the pumping facility to achieve the average daily withdrawal in less than a 24 hour period to provide an adequate safety factor. However, some loan officials calculate the withdrawal based on pumping the source including any backup source on a 24 hour basis. This results in completion of a higher level of environmental review than is required.

The regulation is proposed to be revised to clarify this section by changing the unit of measurement from gallons per day, to an equivalent population served. This will eliminate the confusion, and should not result in a change to the threshold as the present threshold of 50,000 gallons per day for a new withdrawal is based on EPA's definition of Very Small Water Systems, "systems serving up to 500 people." Based on an average daily demand of 100 gallons per day per capita, the average daily withdrawal for very small systems will be 50,000 gallons per day.

To be consistent, the equivalent population will also be used for discharges.

Section 1940.311(b)(1)(v) will also be revised to remove the apparent conflict created by the revision to § 1940.311(b)(1)(ii).

In § 1940.311(b)(2) there has been confusion about the number of beds which may be added to an existing facility. This confusion has resulted in the unnecessary completion of Class II environmental assessments for some essential community facility projects.

The regulation is proposed to be revised to clarify this section by separately specifying the number of beds for new and existing projects.

In § 1940.311(b)(3)(iii) there has been confusion about whether medical waste is considered to be a hazardous waste. This confusion has resulted in the unnecessary completion of Class II environmental assessments for some essential community facility projects.

The regulation is proposed to be revised to clarify this section by adding a new section that will deal specifically with medical wastes.

**List of Subjects in 7 CFR Part 1940**

Endangered and threatened wildlife, Environmental protection, Floodplains, National wild and scenic river system, Natural resources, Recreation, Water supply.

Accordingly, the Agencies propose to amend Chapter XVIII, Title 7, Code of Federal Regulations as follows.

**PART 1940—GENERAL**

1. The authority citation for part 1940 continues to read as follows:

**Authority:** 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

**Subpart G—Environmental Program**

2. Section 1940.311 is amended by redesignating paragraph (b)(3)(iii) as (b)(3)(iv); revising paragraphs (b)(1)(i), (b)(1)(ii), (b)(1)(v), and (b)(2); and adding a new paragraph (b)(3)(iii) to read as follows:

**§ 1940.311 Environmental assessments for Class I actions.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) For existing Systems, there will not be either:

(A) A substantial increase in the volume of an existing discharge or the loading of pollutants from an existing or expanded sewage treatment facilities, or

(B) A substantial increase in an existing withdrawal from surface or ground waters.

(C) The existence of a substantial increase will depend on the particulars of the situation under consideration. Each proposal should be examined for the possibility of a substantial increase in discharge or withdrawal. A substantial increase may or may not be determined by such factors as: evidence of a large increase in pump or pipe size, other evidence of a large increase in hydraulic capacity, or the need for a new or amended discharge or withdrawal permit. Whatever factors are considered, the rationale behind the decision should be documented as part of the Class I assessment.

(ii) For all systems (existing and new), there will not be either:

(A) A new discharge to surface or ground waters, such that the additional design capacity of the facility exceeds the average daily discharge of an equivalent population of 500 persons, or

(B) A new withdrawal from surface or ground waters such that the additional design capacity of the facility exceeds the demand needed to serve an equivalent population of 500 persons, and

(C) The potential water quality impacts are analyzed and documented in the manner required for a Class II assessment and attached as an exhibit to the Class I assessment.

(D) A new well solely to provide "backup" capacity, required by a State regulatory agency or standard engineering practice, is not considered a new withdrawal.

\* \* \* \* \*

(v) For a proposed expansion of a sewage treatment or water supply facility, such expansion would serve an equivalent population that is no more than 20 percent or 500 persons (whichever is the larger) greater than the existing population.

\* \* \* \* \*

(2) Financial assistance for existing group homes, detention facilities, nursing homes, or hospitals that add no more than 25 beds or increase the number of beds by no more than 25 percent, whichever is greater, or new facilities of not more than 25 beds.

(3) \* \* \*

(iii) Do not produce infectious, medical, biological, or special medical wastes (including radiological waste of medical origin) that would exceed small quantity generator limits as established by the appropriate regulatory agency, and provided the facility's management plan is reviewed to ensure compliance with the regulatory agency requirements. The management plan should include standard operating procedures for notification, permitting, and recordkeeping requirements as well as handling, storage, packaging, and disposal of infectious waste materials. Documentation of the compliance review must be attached as an exhibit to the Class I assessment.

\* \* \* \* \*

Dated: February 27, 1995.

**Michael V. Dunn**

*Acting Under Secretary for Rural Economic and Community Development.*

[FR Doc. 95-6228 Filed 3-13-95; 8:45 am]

BILLING CODE 3410-17-U

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Part 154, 158, 201, 250, and 284**

[Docket No. RM95-3-000; Rm95-4-000]

**Filing and Reporting Requirements for Interstate Natural Gas Company Rate Schedules and Tariffs; Revisions to Uniform System of Accounts Forms, Statements, and Reporting Requirements for Natural Gas Companies; Notice of Informal Technical Conference**

March 8, 1995.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Proposed rule; notice of informal technical conference.

**SUMMARY:** The Federal Energy Regulatory Commission will hold an informal technical conference pursuant to the Notices of Proposed Rulemaking issued on December 16, 1994, in Docket Nos. RM95-3-000 and RM95-4-000. The conference is a preliminary step in the process of modifying the electronic filing requirements to complement the proposed revisions to the regulations set forth in the December 16, 1994 notices.

**DATES:** Tuesday and Wednesday, April 4 and 5, 1995: 9:00 a.m.

**ADDRESSES:** Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.