

No. CP93-541-000, and (iii) modified the capacity release portion to more closely reflect that of Colorado Interstate Gas Company, the operator of Young, and also to reflect changes associated with Order No. 577 issued March 29, 1995, in Docket No. RP95-5-000.

Young states that copies of this filing were served upon all holders of its FERC tariff, which becomes effective June 1, 1995.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211). All such petitions or protests should be filed on or before May 31, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the commission and are available for public inspection in the public reference room.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 95-13089 Filed 5-26-95; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-211041; FRL-4954-3]

### Response to TSCA Section 21 Petition for Regulations Requiring Public Notice and Comment Prior to the Issuance of Certain PCB Commercial Storage or Disposal Approvals

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

**ACTION:** Notice; Denial of TSCA Section 21 Petition.

**SUMMARY:** This notice responds to a citizen's petition submitted by FulCircle Ballast Recyclers under section 21 of the Toxic Substances Control Act (TSCA) to initiate a rulemaking to require public notice and comment prior to granting approvals under section 6(e) of TSCA for certain facilities handling fluorescent lighting ballasts that contain Polychlorinated Biphenyls (PCBs). EPA is denying this petition because EPA does not believe that issuing a rule to require public notice and comment prior to approval of commercial storage facilities and alternate destruction methods which handle fluorescent

lighting ballasts is necessary. However, EPA does agree that public notice and comment should be part of the approval process. To that end, EPA will clarify to the approving authorities that public notice and an opportunity for comment must be provided prior to decision on all storage and disposal approvals. The first step of this process has been accomplished by a letter from the Assistant Administrator from the Office of Prevention, Pesticides, and Toxic Substances (OPPTS) to the Regional Administrators clearly stating the substance of and rationale for EPA's policy. Further, EPA will revise its existing TSCA approval guidance to more clearly define the notice and comment procedures which are to be followed when conducting a review of an application for a PCB storage or disposal approval.

**ADDRESSES:** Copies of the petition and all related information used by the Agency to develop this response are located in the TSCA Non-Confidential Information Center (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. B-607, Northeast Mall, 401 M St., SW., Washington, DC 20460. They are available for review and copying from 12 noon to 4 p.m., Monday through Friday, except for legal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** In this notice, EPA is responding to the petition of FulCircle Ballast Recyclers under section 21 of TSCA, 15 U.S.C. 2620, requesting that rules be issued under 40 CFR part 761 to require public notice and comment prior to the issuance of certain approvals to commercially store and dispose of fluorescent lighting ballasts.

## I. Background

### A. TSCA Section 21

Section 21 of TSCA provides that any person may petition the Administrator of EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under section 4, 6, or 8, or an order under section 5(e) or 6(b)(2) of TSCA. Section 21(b)(3) requires that EPA grant or deny a petition within 90 days of its filing. If EPA grants a section 21 petition, EPA must promptly commence an appropriate proceeding in accordance with the relevant TSCA section. If EPA denies the petition, the

reasons for denial must be published in the **Federal Register**.

If EPA denies a petition within 90 days of the filing date, or fails to grant or deny within the 90-day period, the petitioner may commence a civil action in a Federal district court to compel EPA to initiate the requested action. This suit must be filed within 60 days of the denial, or within 60 days of the expiration of the 90-day period if EPA fails to grant or deny the petition within that period.

### B. Summary of Petition

By petition dated February 14, 1995 (EPA received the petition on February 17, 1995), FulCircle Ballast Recyclers (herein referred to as "petitioner") requested EPA, under section 21 of TSCA, to initiate rulemaking to require public notice and comment prior to granting approvals under 40 CFR part 761 for certain facilities handling fluorescent lighting ballasts that contain PCBs. Specifically, there are two parts to the petition. First, the petitioner requested that there should be public notice and comment in connection with EPA approvals under the following sections:

(1) Section 761.65(d), approval of commercial storers of PCB waste, where the waste involved is fluorescent lighting ballasts containing PCBs.

(2) Section 761.60(e), approval of alternative methods of destruction of PCBs, if the proposal involves fluorescent lighting ballasts containing PCBs at a facility where the alternative technology will be operated.

Second, the petitioner requested a ruling by EPA temporarily holding in abeyance regulatory approval action by EPA's Regional offices on any applications under the sections mentioned above dealing with fluorescent lighting ballasts containing PCBs until there has been a reasonable opportunity for public notice and comment on those applications.

The petitioner is currently in the business of recycling PCB-containing lighting ballasts for disposal and has an approval issued by EPA Region II to do so. The petitioner removes the PCB-containing capacitors and potting materials from the ballasts, which are disposed of at an approved PCB disposal facility, and recycles the copper, aluminum and steel components. It is the petitioner's position that there should be nationally uniform rules assuring notice and an opportunity for the public to comment on applications pursuant to § 761.65(d) and § 761.60(e) for facilities handling fluorescent lighting ballasts containing PCBs and that EPA should respond to

those comments before acting on the applications.

In support of the petition, the petitioner states that public notice and comment allows for those knowledgeable about the management of PCBs to review an application from a sophisticated point of view, and therefore raise pertinent questions based on that knowledge. In addition, it allows for those living and working in the vicinity of the facility's location to review the application from a local point of view, allowing for sensitivity to problems not readily apparent to someone outside the locality of the operation.

In further support of its request, the petitioner cites 40 CFR part 124, which establishes procedures, including notice and comment requirements, for issuing RCRA, UIC, PSD and NPDES permits and asks that EPA apply the appropriate provisions of these regulations to TSCA approvals for PCBs. In addition, the petitioner asserts that the Superfund program requires extensive public involvement in connection with site cleanups. Also, in the case of commercial storers of PCB waste, EPA published a **Federal Register** notice on June 10, 1991 (56 FR 26673) soliciting comments on the qualifications of the applicants and their principals and key employees to engage in PCB commercial storage activities.

Lastly, the petitioner points out that it is already a "widely held practice" in many EPA Regions to provide for public notice and a public comment period for applications involving PCB recycling, storage and disposal operations and cites three examples of this common practice by EPA, including the petitioner's own approval recently issued by Region II.

## II. EPA's Decision

EPA agrees with the petitioner's underlying premise that there should be public notice and comment prior to issuing commercial storage or disposal approvals under the TSCA PCB regulations. However, EPA is denying the petition because it does not believe it is necessary to write a Federal regulation to achieve this end.

EPA believes it is important to have public notice and comment prior to the issuance of certain commercial storage and disposal approvals for many of the reasons the petitioner has stated in its request. In fact, EPA's existing TSCA approval guidance (Guidance Manual for Writers of PCB Disposal Permits for Alternate Technologies, October 1, 1988 (Ref. 2)) requires public notice and comment prior to the issuance of an alternate disposal technology approval.

The failure to follow this guidance for one disposal approval was an isolated instance resulting from a misunderstanding between Headquarters and the Regional office and is not to be considered as reflecting EPA's philosophy or practice as a whole.

The input of the public, especially those in the vicinity of a proposed commercial storage or disposal facility, must play a role in the issuance of an approval to operate such a facility. By informing the public and receiving public input, EPA can achieve its goal of protecting public health and the environment while at the same time not unfairly subjecting any citizen to unjust or disproportionate environmental impacts.

In the PCB program, most approval applications mentioned by the petitioner are granted or denied by the Regional Administrators; however, the Director of CMD at Headquarters also has the authority to act on such requests. Therefore, the review process is under EPA's control and direction. With this in mind, EPA will revise its existing TSCA approval guidance to more clearly define the notice and comment procedures which are to be followed when conducting a review of an application for a PCB storage or disposal approval. The revised guidance that approving authorities have been directed to follow will include specific procedures to follow when conducting public notice and comment. The procedures will include such things as the format and content of the public notice, timing of the notice, length of time it should appear, length of comment period, and procedures for responding to and incorporating comments into the final approval. Not only will the procedures be revised, but the scope of the guidance will be expanded to include public notice and an opportunity for comment prior to a decision on not only approvals relating to fluorescent light ballast, but on all fixed-site storage and disposal approvals issued pursuant to 40 CFR 761.60(a)(5), 761.60(e), 761.65(d), 761.70 and 761.75.

Amending EPA's existing guidance as opposed to initiating rulemaking will be a quick and relatively economical way to implement the petitioner's request for a consistent national policy. Given EPA's firm commitment to the principle of notice and comment prior to issuance of PCB approvals, we do not see what added value is provided by implementing this principle through more costly, and ultimately less flexible rulemaking procedures.

As a matter of record, and as evidence in support of EPA's commitment to

adhere to the guidance, EPA Headquarters has notified the Regional Administrators that public notice and comment must be part of the approval process and has received written assurances from all ten of its Regional offices that they heartily endorse and will implement EPA's policy to provide public notice and an opportunity for comment prior to the issuance of fixed-site commercial storage or disposal approvals.

Lastly, on February 21, 1995, the President announced a new initiative mandating a line-by-line review of all existing regulations in the Code of Federal Regulations (CFR). The intent of this initiative is to move towards a regulatory system that focusses on results rather than procedures and, towards that end, to eliminate any unnecessary Federal regulatory language that appears in the CFR. EPA believes that it would be at odds with this Presidential initiative if it were to add to the CFR procedural rules for issuing commercial storage and disposal approvals when the same result can be achieved through issuance of clear guidance to Regional and Headquarters decisionmakers on precisely what notice and comment opportunities must be provided in connection with the issuance of PCB storage and disposal approvals.

## III. Record

EPA has established a record for its response to this petition under Docket number OPPTS-211041. The record contains the basic information considered by EPA in reaching this decision.

The following references are included in the record for this action:

- (1) Petition submitted to USEPA by Karl R. Morthole representing FulCircle Ballast Recyclers (February 14, 1995) and attachments.
- (2) Guidance Manual for Writers of PCB Disposal Permits for Alternate Technologies (October 1, 1988).
- (3) Reinventing Environmental Regulation, President Bill Clinton and Vice President Al Gore, March 16, 1995.
- (4) Letter from Lynn R. Goldman, M.D., Assistant Administrator, OPPTS, to the Regional Administrators requesting public notice and comment be part of their PCB commercial storage and disposal approval process (April 11, 1995).
- (5) Replies to Dr. Goldman's April 11, 1995 letter from the Regional Administrators affirming their support for public notice and comment being a part of their PCB commercial storage and disposal approval process. Region I, May 1, 1995

- Region II, May 11, 1995
- Region III, May 4, 1995
- Region IV, May 3, 1995
- Region V, April 28, 1995
- Region VI, April 24, 1995
- Region VII, May 1, 1995
- Region VIII, May 2, 1995
- Region IX, May 2, 1995
- Region X, April 18, 1995

**IV. Conclusion**

For the reasons detailed above, EPA is denying the petition filed by FulCircle Ballast Recyclers under section 21 of TSCA.

**Authority:** 15 U.S.C. 2620.

Dated: May 22, 1995.

**Lynn R. Goldman,**

*Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

[FR Doc. 95-13136 Filed 5-26-95; 8:45 am]

BILLING CODE 6560-50-F

**[FRL-5212-9]**

**Georgia Transformer Site; Notice of Proposed Settlement**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement.

**SUMMARY:** Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the Georgia Transformer Site (Site) located in Thomasville, Georgia, with approximately 80 potentially responsible parties (PRPs) at the Site. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement and a list of proposed settling parties are available from: Mr. Greg Armstrong, Enforcement Project Manager, U.S. Environmental Protection Agency, Region IV, Waste Programs Branch, Waste Management Division, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 347-5059 ext. 6188.

Written comment may be submitted to the person above within 30 days of the date of publication.

Dated: May 19, 1995.

**Richard D. Green**

*Acting Director, Waste Management Division.*

[FR Doc. 95-13245 Filed 5-26-95; 8:45 am]

BILLING CODE 6560-50-M

**FEDERAL COMMUNICATIONS COMMISSION**

**Semiannual Report of Payment Accepted From Non-Federal Sources Under 31 U.S.C. 1353; for the Period Beginning October 1, 1994 and Ending March 31, 1995; Summary Report**

*Reimbursement/In-kind Payments In Excess of \$250*

Total Number of Sponsored Events: 65.

Total Number of Sponsoring Organizations: 59.

Total Number of Different Commissioners/Employees Attending: 67.

*Total Amount of Reimbursement Received*

|   | Check       | In-kind     |
|---|-------------|-------------|
| In excess of \$250 .....                | \$63,591.98 | \$29,472.74 |
| Under \$250 (Detail not included) ..... | 568.25      | 321.48      |
| Total .....                             | 64,160.23   | 29,794.22   |

1. *Agency:* Federal Communications Commission.

2. *Employee:* Ralph A. Haller.

*Government position:* Chief, Private Radio Bureau.

3. *Event:* Annual Technical Conference of the Communication and Signal Division of AAR.

4. *Sponsor of Event:* Association of American Railroads—AAR.

5. *Sponsor Address:* 50 F Street, N.W., Washington, D.C. 20001.

6. *Location of Event:* New Orleans, Louisiana.

7. *Employee's Role:* Speaker.

8. *Dates of Event:* 08/22-24/94.

9. *Travel Dates:* 08/20-27/94.

10. (a)

| Nature of benefit                 | (c)<br>Type & amount of payment |          |
|-----------------------------------|---------------------------------|----------|
|                                   | Check                           | In-kind  |
| 1. Roundtrip Transportation ..... | \$416.00                        | .....    |
| 2. Hotel Room .....               | .....                           | \$122.52 |
| 3. Meals .....                    | 161.50                          | .....    |
| 4. Parking, Mileage & Taxi .....  | 48.00                           | .....    |
|                                   | 625.50                          | 122.52   |

(b) *Non-Fed Source:* Same as No. 4.

1. *Agency:* Federal Communications Commission.

2. *Employee:* Catherine K. Sandoval.

*Government position:* Attorney, Office of International Communications.

3. *Event:* Panel on "Regulatory Regimes and the Global Information Infrastructure".

4. *Sponsor of Event:* American Bar Association—ABA.

5. *Sponsor Address:* 750 North Lake Shore Drive, Chicago, IL 60611.

6. *Location of Event:* New Orleans, Louisiana.

7. *Employee's Role:* Panelist.

8. *Dates of Event:* 08/07/94.

9. *Travel Dates:* 08/05-07/94.

10. (a)

| Nature of benefit                 | (c)<br>Type & amount of payment |         |
|-----------------------------------|---------------------------------|---------|
|                                   | Check                           | In-kind |
| 1. Roundtrip Transportation ..... | \$416.00                        | .....   |
| 2. Hotel Room .....               | 198.00                          | .....   |
| 3. Meals .....                    | 68.00                           | .....   |
| 4. Fax, Telephone & Taxi .....    | 78.70                           | .....   |
|                                   | 760.70                          | .....   |

(b) *Non-Fed Source:* Same as No. 4.

1. *Agency:* Federal Communications Commission.

2. *Employee:* Michael L. Katz.

*Government position:* Chief Economist, Office of Plans and Policy.

3. *Event:* Panel Discussion "Regulatory Regimes and the Global Information Infrastructure".

4. *Sponsor of Event:* American Bar Association—ABA.

5. *Sponsor Address:* Young Lawyers Division, 750 North Lake Shore Drive, Chicago, IL 60611.

6. *Location of Event:* New Orleans, Louisiana.

7. *Employee's Role:* Panelist.

8. *Dates of Event:* 08/07/94.

9. *Travel Dates:* 08/06-07/94.

10. (a)

| Nature of benefit:                | (c)<br>Type & amount of payment |         |
|-----------------------------------|---------------------------------|---------|
|                                   | Check                           | In-kind |
| 1. Roundtrip Transportation ..... | \$416.00                        | .....   |
| 2. Hotel Room .....               | 66.00                           | .....   |
| 3. Meals .....                    | 42.50                           | .....   |
| 4. Parking, Mileage & Taxi .....  | 67.00                           | .....   |
|                                   | 591.50                          | .....   |

(b) *Non-Fed Source:* Same as No. 4.

1. *Agency:* Federal Communications Commission.

2. *Employee:* Fred L. Thomas.

*Government position:* Electronics Engineer, Office of Engineering & Technology.