

**FOR FURTHER INFORMATION CONTACT:**

Mark J. Palermo, Regulation Development Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6082.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule published in the rules section of this Federal Register.

Dated: December 17, 1996.

Michelle D. Jordan,

*Acting Regional Administrator.*

[FR Doc. 97-1332 Filed 1-17-97; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 194**

RIN 2060-AE30

[FRL-5679-2]

**Opportunity To Present Oral Testimony on the DOE's Compliance Certification Application for the Waste Isolation Pilot Plant; Notice of Public Hearings**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of public hearings.

**SUMMARY:** The Environmental Protection Agency (EPA) intends to certify whether or not the Waste Isolation Pilot Plant (WIPP) will comply with EPA's environmental radiation protection standards for the disposal of radioactive waste (40 CFR part 191). The WIPP is being constructed by the Department of Energy (DOE) near Carlsbad, New Mexico, as a potential repository for the safe disposal of transuranic radioactive waste. Pursuant to the WIPP Land Withdrawal Act of 1992, as amended, EPA must certify that the WIPP will comply with EPA's radioactive waste disposal standards, as well as other applicable environmental laws and regulations, before DOE may commence disposal of radioactive waste at the WIPP.

EPA will determine whether the WIPP will comply with EPA's disposal standards based on the application submitted by the Secretary of Energy. DOE's Compliance Certification Application was received by the EPA on October 29, 1996. EPA is reviewing the application and has requested supplemental information from DOE. Copies of the application and the letter from EPA to DOE requesting additional information are available for review at each of EPA's WIPP docket locations (see Supplementary Information for specifics). The Administrator will make

a determination as to the completeness of the application in the near future and will notify the Secretary of Energy, in writing, when the Agency deems the application "complete." EPA will evaluate the "Department's" application in determining whether the WIPP will comply with the Agency's radioactive waste disposal standards. EPA requests public comment on all aspects of the DOE's application.

**DATES:** EPA will conduct public hearings to receive comments on the Department of Energy's (DOE) Compliance Certification Application for the Waste Isolation Pilot Plant (WIPP) in Carlsbad, NM on February 19, from Noon to 5:00 p.m. and from 7:00 p.m. to 9:00 p.m.; in Albuquerque, NM on February 20 from noon to 5:00 p.m. and from 7:00 p.m. until 9:00 p.m.; and in Santa Fe, NM from Noon to 5:00 p.m. and from 7:00 p.m. to 9:00 p.m.

Testifiers are requested to pre-register. Contact Rafaela Ferguson, EPA, by telephone or fax at (202) 233-9362 or (202) 233-9649 with the following information: Name/Organizational Affiliation (if any)/address/hearing date, location, time(s) available to testify, and a daytime telephone number. Individual speakers will be allocated 5 minutes and individuals testifying as the official representative or spokesperson on behalf of groups and organizations will be allocated 10 minutes for an oral presentation exclusive of any time consumed by questions from the government panel and answers to these questions. In order to guarantee an opportunity to testify, requests must be received by February 14, 1997. Speakers not registered in advance may register at the door and will be scheduled to testify, if openings are still available and time permits.

**ADDRESSES:** EPA's public hearings to accept comments on DOE's Compliance Certification Application will be held on February 19, at the Pecos River Village Conference Center, Room #5, 302 South Canal Street, Carlsbad, NM; on February 20, at the Albuquerque Convention Center, Cochiti/Taos Room, 401 Second Street, NW, Albuquerque, NM; and on February 21, at the Sweeney Convention Center, Room #1, 201 W. Marcy, Santa Fe, NM.

Information on EPA's radioactive waste disposal standards (40 CFR Part 191), the compliance criteria (40 CFR Part 194), and DOE's compliance certification application is listed under Dockets No. R-89-01, A-92-56, and A-93-02, respectively, and is available for review at the following three EPA WIPP docket locations in New Mexico: in Carlsbad at the Municipal Library,

Hours: Mon-Thu, 10-9, Fri-Sat, 10-6, and Sun 1-5; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: Mon-Thu, 8-9, Fri, 8-5, Sat-Sun, 1-5; and in Santa Fe at the Fogelson Library, College of Santa Fe, Hours: Mon-Thu, 8-12 Midnight, Fri, 8-5, Sat, 9-5, and Sun, 1-9. For purposes of judicial review, EPA's official docket for all rulemaking activities under the Waste Isolation Pilot Plant Land Withdrawal Act, as amended, is located in Washington, DC in the Air Docket, Room M1500, Mailcode 6102, U.S. EPA, 401 M Street, SW., Washington, DC 20460.

Note: The dockets in New Mexico only contain major items from the official docket (WDC) plus all those documents added to the official docket since October 1992 when the WIPP Land Withdrawal Act was enacted.

As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Rafaela Ferguson, Office of Radiation and Indoor Air, (202) 233-9362 or call EPA's 24-hour toll-free WIPP Information Line, 1-800-331-WIPP.

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Energy is developing the Waste Isolation Pilot Plant (WIPP) near Carlsbad in southeastern New Mexico as a deep geologic repository for disposal of transuranic (TRU) radioactive waste. TRU wastes are materials containing elements having atomic numbers greater than 92 in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes, with half-lives greater than twenty years, per gram of waste. Most TRU wastes are items that have become associated with the production of nuclear weapons, e.g., rags, equipment, tools, and contaminated organic and inorganic sludges.

On October 30, 1992, the Waste Isolation Pilot Plant Land Withdrawal Act (Pub. L. 102-579) was enacted, and on September 23, 1996, the Act was amended. Among other things, the Act, as amended, specifies the terms and conditions for the DOE's activities at the WIPP and the regulatory requirements which apply throughout various stages of the repository's development including the requirement that before beginning disposal of radioactive wastes at the WIPP, DOE must demonstrate that the WIPP will comply with the Environmental Protection Agency's (EPA) radioactive wastes disposal standards, e.g., "Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes" (40 CFR Part 191).

Under the Act, as amended, EPA is required to develop criteria for the Administrator's certification of compliance with the 40 CFR part 191 disposal standards. On February 11, 1993, EPA published an Advance Notice of Proposed Rulemaking, 58 FR 8029, in the Federal Register requesting information and comments pertinent to the development of the compliance criteria.

On January 11, 1995, EPA Administrator Carol Browner signed the proposed compliance criteria rule. The 90-day public comment period began on January 30, the date the proposed compliance criteria rule notice appeared at 60 FR 5766 in Part II of the Federal Register, and ended on May 1, 1995. EPA opened a second public comment period on August 1, which ended on September 15, 1995 (60 FR 39131). EPA issued final compliance criteria on February 9, 1996, at 61 FR 5224-5245, approximately one year after proposal in the Federal Register. On March 29, 1996, EPA issued the Compliance Application Guidance (CAG) which provided DOE with specific guidelines regarding the format and content of the compliance certification application and a clear description of the information that EPA would need to make its certification decision. The guidance provided in the CAG is within the framework established by 40 CFR parts 194 and 191 and under the authority of the WIPP Land Withdrawal Act, as amended. On November 15, 1996, EPA published an Advance Notice of Proposed Rulemaking (ANPR) in the Federal Register at 61 FR 58499-58500, entitled "Decision to Certify Whether the Waste Isolation Pilot Plant Complies With the 40 CFR Part 191 Disposal Regulations and the 40 CFR Part 194 Compliance Criteria." The WIPP Land Withdrawal Act, as amended, requires the DOE to demonstrate compliance with EPA's disposal standards and to submit an application for certification of WIPP's compliance to the EPA Administrator. In submitting such an application, the DOE must meet the requirements of the EPA compliance criteria that will be used by the Agency to certify whether or not the WIPP complies with the radioactive waste disposal standards.

If EPA decides that the WIPP meets its radioactive waste disposal standards, then DOE may proceed with the opening of the WIPP. Following the opening of the facility and throughout its operational phase, DOE will be required to submit a re-certification application to EPA every five years. The Agency will review this application and determine whether the WIPP remains in

compliance with the disposal standards. The public will be permitted to inspect and comment on any re-certification application. By law, all public comments must be considered by the Agency prior to making a final decision on WIPP's continued operation.

Dated: January 15, 1997.

Rob Brenner,

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 97-1366 Filed 1-17-97; 8:45 am]

BILLING CODE 6560-50-P

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 194

[Docket No. PS-130; Notice 4]

RIN 2137-AC30

#### Notice of Public Hearing; Response Plans for Onshore Oil Pipelines

**AGENCY:** Research and Special Programs Administration (RSPA), Office of Pipeline Safety (OPS), DOT.

**ACTION:** Announcement of public hearing; Correction.

**SUMMARY:** In proposed rule document 96-30316 beginning on page 60674 in the issue of Friday, November 29, 1996, RSPA did not include a full agenda. RSPA anticipates a discussion of the interim final rule 49 CFR part 194 in its entirety, including the issues identified in the following draft agenda. RSPA expects the meeting to be attended by a broad cross-section of the pipeline industry, as well as environmental groups, state environmental agencies, and other federal agencies such as the Environmental Protection Agency and the National Transportation Safety Board. The draft agenda is as follows:

January 29, 1997, 8:30 a.m.-4:30 p.m.

New Orleans Hilton Riverside in New Orleans, Louisiana

#### Opening Remarks

Definition of significant and substantial harm

Facility response plan requirements for pipelines transporting hazardous substances

Credit for secondary containment around breakout tanks

Update on RSPA breakout tank regulations, and adoption of API standards 650-653

Changing RSPA plan review cycle from three-year cycle to five-year cycle

Regulatory definition of "oil" for purposes of response planning

Requirement for secondary communications systems for emergency response

Jurisdictional issues for offshore pipelines

Planning for "a substantial threat of a discharge"

Distribution of exercise guidance document

Incorporating the PREP guidance into 49 CFR 194 by reference

Developing a tool to measure how pipeline operators implement their FRP

Adopting the National Response Team's Integrated Contingency Plan

Use of NAVIC-72 & EPA guidelines to assess response resources

Elimination of references to high/low volume port tiers

Requirement for response strategies/techniques

Adjourn

Issued in Washington, D.C. on January 14, 1997.

Richard B. Felder,  
*Associate Administrator for Pipeline Safety.*

[FR Doc. 97-1291 Filed 1-17-97; 8:45 am]

BILLING CODE: 4910-60-P

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 67

[Docket No. FEMA-7202]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each