

If you or a third party submits and we retain—	The Regional Director will disclose them to the public—
(1) Geological data and information	10 years after issuing the permit.
(2) Geophysical data	50 years after you or a third party submit the data.
(3) Geophysical information	25 years after you or a third party submit the information.
(4) Data and information related to a deep stratigraphic test.	25 years after you complete the test, unless the provisions of paragraph (b) of this section apply.

(b) This paragraph applies if you are covered by paragraph (a)(4) of this section and a lease sale is held or a noncompetitive agreement is negotiated after you complete a test well. We will release the data and information related to the deep stratigraphic test at the earlier of the following times:

- (1) Twenty-five years after you complete the test; or
- (2) Sixty calendar days after we issue a lease, located partly or totally within 50 geographic miles (92.7 kilometers) of the test.

§ 280.72 How will MMS disclose data and information?

(a) When practical, the Regional Director will advise the person who submitted data and information under § 280.40 or 280.50 of the intent to disclose the data or information to an independent contractor or agent.

(b) The person notified will have at least 5 working days to comment on the action.

(c) When the Regional Director advises the person who submitted the data and information, all other owners of the data or information will be considered to have been notified.

(d) Before disclosure, the contractor or agent must sign a written commitment not to sell, trade, license, or disclose data or information to anyone without the Regional Director's consent.

§ 280.73 Will MMS share data and information with coastal States?

(a) We can disclose proprietary data, information, and samples submitted to us by permittees or third parties that we receive under this part to the Governor of any adjacent State that requests it according to paragraphs (b), (c), and (d) of this section.

(b) We will make a disclosure under this section only after the Governor and the Secretary have entered into an agreement containing all of the following provisions:

- (1) The confidentiality of the information will be maintained.
- (2) In any action taken for failure to protect the confidentiality of proprietary information, neither the Federal Government nor the State may raise as a defense:
 - (i) Any claim of sovereign immunity; or
 - (ii) Any claim that the employee who revealed the proprietary information

was acting outside the scope of his/her employment in revealing the information.

(3) The State agrees to hold the Federal Government harmless for any violation by the State or its employees or contractors of the agreement to protect the confidentiality of proprietary data and information and samples.

(4) The materials containing the proprietary data, information, and samples will remain the property of the Federal Government.

(c) The data, information, and samples available for reproduction to the State(s) under an agreement must be related to leased lands. Data and information on unleased lands may be viewed but not copied or reproduced.

(d) The State must return to us the materials containing the proprietary data, information, and samples when we ask for them or when the State no longer needs them.

(e) Information received and knowledge gained by a State official under paragraph (d) of this section is subject to confidentiality requirements of:

- (1) The Act; and
- (2) The regulations at 30 CFR parts 280, 281, and 282.

Subpart E—Information Collection

§ 280.80 Paperwork Reduction Act statement—information collection.

(a) OMB has approved the information collection requirements in this part under 44 U.S.C. 3501 *et seq.* and assigned OMB control number 1010-0072. The title of this information collection is "30 CFR Part 280, Prospecting for Minerals other than Oil, Gas, and Sulphur in the Outer Continental Shelf."

(b) We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

(c) We use the information collected under this part to:

- (1) Evaluate permit applications and monitor scientific research activities for environmental and safety reasons.
- (2) Determine that prospecting does not harm resources, result in pollution, create hazardous or unsafe conditions, or interfere with other users in the area.
- (3) Approve reimbursement of certain expenses.

(4) Monitor the progress and activities carried out under an OCS prospecting permit.

(5) Inspect and select G&G data and information collected under an OCS prospecting permit.

(d) Respondents are Federal OCS permittees and notice filers. Responses are mandatory or are required to obtain or retain a benefit. We will protect information considered proprietary under applicable law and under regulations at § 280.70 and 30 CFR part 281.

(e) Send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Minerals Management Service, Mail Stop 4230, 1849 C Street, N.W., Washington, D.C. 20240.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 81

[FRL-6505-3]

Rescinding Findings That the 1-Hour Ozone Standard No Longer Applies in Certain Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice to Reopen Comment Period.

SUMMARY: The EPA is reopening the comment period for the notice of proposed rulemaking (NPR) that was published on October 25, 1999 (64 FR 57424) regarding the rescinding of findings made by EPA that the 1-hour national ambient air quality standard (NAAQS) for ozone no longer applies in certain areas and which was further clarified on November 18, 1999 (64 FR 63002). The October 25 proposal established a 30-day comment period, which ended on December 1. The EPA believes this provided an adequate opportunity to comment on the specific issues identified in the proposal. However, in response to requests from the public, EPA is reopening the comment period to January 3, 2000.

DATES: The EPA is reopening the comment period to end on January 3, 2000, which is 30 days after the date today's notice was signed and made available on EPA's web site at <http://www.epa.gov/airlinks>. Comments must be postmarked by the last day of the comment period and sent directly to the Docket Office listed in **ADDRESSES** (in duplicate form if possible). Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the comment period.

ADDRESSES: Comments may be submitted to the Office of Air and Radiation Docket and Information Center (6102), Attention: Docket No. A-99-22, U.S. Environmental Protection Agency, 401 M Street SW, room M-1500, Washington, DC 20460, telephone (202) 260-7548. Comments and data may also be submitted electronically by following the instructions under **SUPPLEMENTARY INFORMATION** of this document. No confidential business information (CBI) should be submitted through e-mail.

Documents relevant to this action are available for inspection at the Docket Office, at the above address, between 8 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable copying fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Questions concerning today's action should be addressed to Annie Nikbakht, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD-15, Research Triangle Park, NC, 27711, telephone (919) 541-5246.

SUPPLEMENTARY INFORMATION:

Availability of Related Information

The official record for this rulemaking, as well as the public version, has been established under docket number A-99-22 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in **ADDRESSES** at the beginning of this document. Electronic comments can be sent directly to EPA at: A-and-R-Docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/

6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A-99-22. Electronic comments on this NPR rule may be filed online at many Federal Depository Libraries.

Additional information relevant to this proposed rulemaking is available on the Agency's Office of Air Quality Planning and Standards' (OAQPS) Technology Transfer Network (TTN) via the web at <http://www.epa.gov/ttn/>. If assistance is needed in accessing the system, call the help desk at (919) 541-5384 in Research Triangle Park, NC.

I. Re-opening of Comment Period

The EPA has received requests to reopen the comment period on the proposal that the 1-hour NAAQS no longer applies in certain areas. See Docket A-99-22, nos. IV-D-34 (Hunton & Williams, representing the Utility Air Regulatory Group) and nos. IV-D-36 (The Chamber of Commerce of the United States, William L. Kovacs. This notice responds to those requests. The commenters identified an administrative error in docketing the list of areas affected by the proposed rule. The EPA acknowledges that the list of areas was inadvertently not placed in the proper docket at the time the proposed rule was published in the **Federal Register**. The EPA has corrected this docketing problem and the list of affected areas is now available in the docket. The EPA is providing an additional 30 days for the public to comment on the proposed rule now that the list of affected areas is available in the docket.

One commenter also requested that EPA reopen the comment period to allow comments on issues identified in a Stipulation to Stay Proceedings in a legal challenge to EPA's revocation of the 1-hour ozone standard in certain areas. *Environmental Defense Fund v. Browner*, No. 98-1363, D.C. Cir., filed August 3, 1998. The issues identified in the Stipulation were as follows: (1) The proposal to modify 40 C.F.R. § 50.9(b) to provide that after the 8-hour ozone standard "become[s] fully enforceable under part D of title 1 of the Clean Air Act (CAA) and subject to no further legal challenge," the 1-hour standard will no longer apply to an area once EPA determines that the area has air quality meeting the 1-hour standard; (2) Whether a "fully enforceable" 8-hour standard means that CAA section 107(d) designations for ozone under the 8-hour standard will have been promulgated by the Administrator prior to any determination that the 1-hour ozone standard no longer applies to an area; (3) Whether the motor vehicle emission

budget approved or found adequate for the purpose of implementing the 1-hour ozone standard in a nonattainment area will remain in effect for transportation conformity purposes during the period after the 1-hour ozone standard no longer applies to the area but before a motor vehicle emission budget is approved or found adequate for the purpose of implementing the 8-hour ozone standard; (4) Whether the rescission of the nonapplicability determinations for certain areas should apply retroactively as well as prospectively; and (5) In the event EPA determines that the rescission will not apply retroactively, whether EPA will provide other relief to remedy any additional air pollution that may result from stationary sources and/or highway projects approved during the regulatory hiatus when the area's section 107(d) designation was not "nonattainment." The EPA believes that all of these issues were within the scope of the original proposal. The EPA included this list of issues in the Stipulation at the request of the litigants. The EPA agrees that all of these issues are within the scope of this rulemaking and thus are open for public comment during the reopened comment period.

II. Public Hearing

One commenter also requested that EPA hold a public hearing in connection with this proposed rule because the rule was allegedly subject to the public hearing requirements of section 307(d) of the CAA as a revision to a NAAQS under section 109 of the CAA. The EPA does not agree with the commenter. As EPA stated in the proposed rule, EPA was merely changing a rule that indicated when standards would be applicable, and was not revising the standards themselves. For this reason, EPA believes that the proposal is not subject to the public hearing requirements of section 307(d) and is not providing a public hearing on the proposal.

List of Subjects

40 CFR Part 50

Environmental protection, Air pollution control, Carbon monoxide, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: December 1, 1999.

Robert Brenner,

Acting Assistant Administrator for Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[FRL-6505-2]

RIN 2060-AG85

Waste Characterization Program Documents Applicable to Transuranic Radioactive Waste From the Hanford Site for Disposal at the Waste Isolation Pilot Plant

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability; opening of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of, and soliciting public comments for 30 days on, Department of Energy (DOE) documents applicable to characterization of transuranic (TRU) radioactive waste at the Hanford site proposed for disposal at the Waste Isolation Pilot Plant (WIPP). The documents are entitled: "Hanford Site Transuranic Waste Characterization Quality Assurance Project Plan, HNF-2599," and "Hanford Site Transuranic Waste Certification Plan, HNF-2600." They are available for review in the public dockets listed in **ADDRESSES**. EPA will conduct an inspection of waste characterization systems and processes and the quality assurance program for waste characterization at Hanford to verify that the site can characterize transuranic waste in accordance with EPA's WIPP compliance criteria. EPA will perform this inspection the week of January 10, 2000. This notice of the inspection and comment period accords with 40 CFR 194.8.

DATES: EPA is requesting public comment on the documents. Comments must be received by EPA's official Air Docket on or before January 7, 2000.

ADDRESSES: Comments should be submitted to: Docket No. A-98-49, Air Docket, Room M-1500 (LE-131), US Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. The DOE documents are available for review in the official EPA Air Docket in Washington, DC, Docket No. A-98-49, Category II-A2, and at the following three EPA WIPP informational docket locations in New Mexico: in Carlsbad at

the Municipal Library, Hours: Monday-Thursday, 10am-9pm, Friday-Saturday, 10am-6pm, and Sunday 1pm-5pm; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: vary by semester; and in Santa Fe at the New Mexico State Library, Hours: Monday-Friday, 9am-5pm.

As provided in EPA's regulations at 40 CFR Part 2, and in accordance with normal EPA docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT:

Scott Monroe, Office of Radiation and Indoor Air, (202) 564-9310 or call EPA's toll-free WIPP Information Line, 1-800-331-WIPP.

SUPPLEMENTARY INFORMATION:

Background

DOE is developing the WIPP near Carlsbad in southeastern New Mexico as a deep geologic repository for disposal of TRU radioactive waste. As defined by the WIPP Land Withdrawal Act (LWA) of 1992 (Pub. L. No. 102-579), as amended (Pub. L. No. 104-201), TRU waste consists of materials containing elements having atomic numbers greater than 92 (with half-lives greater than twenty years), in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes per gram of waste. Much of the existing TRU waste consists of items contaminated during the production of nuclear weapons, such as rags, equipment, tools, and sludges.

On May 13, 1998, EPA announced its final compliance certification decision to the Secretary of Energy (published May 18, 1998, 63 FR 27354). This decision stated that the WIPP will comply with EPA's radioactive waste disposal regulations at 40 CFR part 191, subparts B and C.

The final WIPP certification decision includes conditions that (1) Prohibit shipment of TRU waste for disposal at WIPP from any site other than the Los Alamos National Laboratory (LANL) until the EPA determines that the site has established and executed a quality assurance program, in accordance with 194.22(a)(2)(i), 194.24(c)(3), and 194.24(c)(5) for waste characterization activities and assumptions (Condition 2 of Appendix A to 40 CFR Part 194); and (2) Prohibit shipment of TRU waste for disposal at WIPP from any site other than LANL until the EPA has approved the procedures developed to comply with the waste characterization requirements of 194.22(c)(4) (Condition 3 of Appendix A to 40 CFR Part 194). The EPA's approval process for waste

generator sites is described in 194.8. As part of EPA's decision-making process, the DOE is required to submit to EPA appropriate documentation of quality assurance and waste characterization programs at each DOE waste generator site seeking approval for shipment of TRU radioactive waste to WIPP. In accordance with 194.8, EPA will place such documentation in the official Air Docket in Washington, D.C., and informational dockets in the State of New Mexico for public review and comment.

DOE has notified EPA that the Hanford site is preparing to ship waste to the WIPP. EPA will perform an inspection of Hanford's technical and quality assurance programs for waste characterization in accordance with Conditions 2 and 3 of the WIPP certification. The inspection is scheduled to take place the week of January 10, 2000.

EPA has placed two documents pertinent to the inspection in the public docket described in **ADDRESSES**. The documents are entitled: (1) "Hanford Site Transuranic Waste Characterization Quality Assurance Project Plan, HNF-2599," and (2) "Hanford Site Transuranic Waste Certification Plan, HNF-2600" (Items II-A2-22 and II-A2-23). In accordance with 40 CFR 194.8, as amended by the final certification decision, EPA is providing the public 30 days to comment on these documents.

If EPA determines as a result of the inspection that the proposed processes and programs at Hanford adequately control the characterization of transuranic waste, we will notify DOE by letter and place the letter in the official Air Docket in Washington, DC, as well as in the informational docket locations in New Mexico. A letter of approval will allow DOE to ship transuranic waste from Hanford to the WIPP. The EPA will not make a determination of compliance prior to the inspection or before the 30-day comment period has closed.

Information on the certification decision is filed in the official EPA Air Docket, Docket No. A-93-02 and is available for review in Washington, DC, and at three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, DC, plus those documents added to the official Air Docket since the October 1992 enactment of the WIPP LWA.