

Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

Wendy Carney,

Acting Director, Superfund Division

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[FRL-5539-4]

Notice of Proposed NPDES General Permits for Discharges Resulting From Implementing Corrective Action Plans for Cleanup of Petroleum UST Systems in Texas (TXG830000), Louisiana (LAG830000), Oklahoma (OKG830000) and New Mexico (NMG830000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft NPDES general permits.

SUMMARY: EPA Region 6 is proposing to issue general NPDES permits authorizing discharges resulting from implementing Corrective Action Plans for the cleanup of Petroleum UST Systems in Texas, Louisiana, Oklahoma and New Mexico. A Petroleum UST System is an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils. As proposed, the permits place limits on benzene, Total BTEX and pH for all discharges, as well as limits on polynuclear aromatic hydrocarbons (PAH) for discharges from cleanups of Petroleum UST Systems other than gasoline, jet fuel and kerosene. Additional limits include those on lead and Total Petroleum Hydrocarbons in the Texas permit, lead and TOC in the Louisiana permit, Total Organic Carbon and Total Phenols in the Oklahoma permit, and lead, Chemical Oxygen Demand, No Visible Oil Sheen, as well as a biomonitoring requirement, in the New Mexico permit.

DATES: Comments on these proposed permits must be submitted by September 20, 1996.

ADDRESSES: Comments on these proposed permits should be sent to the Regional Administrator, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Caldwell, EPA Region 6 1445 Ross Avenue, Dallas Texas 75202-2733, telephone (214) 665-7513.

Copies of the draft permits and/or an explanatory fact sheet may be obtained from Ms. Caldwell. In addition, the current administrative record on the proposal is available for examination at the Region's Dallas offices during normal working hours after providing Ms. Caldwell 24 hours advanced notice.

SUPPLEMENTARY INFORMATION: Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Operators of facilities discharging waste waters resulting from the cleanup of underground storage tank systems that contain petroleum substances, such as motor fuels, jet fuels and fuel oils.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your (facility, company, business, organization, etc.) is regulated by this action, you should carefully examine the applicability criteria in Part I, Section A.1 of these permits. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Section 301(a) of the Clean Water Act (CWA or the Act), 33 U.S.C. 1311(a), makes it unlawful to discharge pollutants to waters of the United States in the absence of authorizing permits. CWA section 402, 33 U.S.C. 1342, authorizes EPA to issue National Discharge Elimination System (NPDES) permits allowing discharges on condition they will meet certain requirements, including CWA sections 301, 304, and 401 (33 U.S.C. 1331, 1314 and 1341). Those statutory provisions require that NPDES permits include effluent limitations requiring that authorized discharges: (1) meet standards reflecting levels of technological capability, (2) comply

with EPA-approved state water quality standards and (3) comply with other state requirements adopted under authority retained by states under CWA 510, 33 U.S.C. 1370.

Two types of technology-based effluent limitations must be included in the permits proposed here. With regard to conventional pollutants, i.e., pH, BOD, oil and grease, TSS and fecal coliform, CWA section 301 (b)(1)(E) requires effluent limitations based on "best conventional pollution control technology" (BCT). With regard to nonconventional and toxic pollutants, CWA section 301(b)(2) (A), (C), and (D) require effluent limitations based on "best available pollution control technology economically achievable" (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges prior to March 31, 1989 under CWA 301(b)(1)(A).

National guidelines establishing BPT, BCT and BAT standards have not been promulgated for discharges from Petroleum UST System cleanups. The BCT and BAT requirements for these discharges have, therefore, been established using best professional judgement, as required by CWA section 402(a)(1). EPA Office of Water Enforcement and Permits and Office of Underground Storage Tanks has developed and issued "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks", July 11, 1989. That model permit and fact sheet established treatment technologies, treatment costs, parameters to be limited and permit limits for discharges resulting from the cleanup of gasoline released from underground storage tanks. The information contained in that model permit and fact sheet has been used to establish BCT and BAT permit requirements for the NPDES general permits being proposed today for discharges resulting from cleanup of Petroleum UST Systems.

The following limits are proposed:

	Daily average	Daily maximum
Texas (TXG830000)		
Benzene	5 µg/l (1)	5µg/l (1).
Total BTEX	100 µg/l	100 µg/l.
Total petroleum hydrocarbons	15 mg/l	15 mg/l.
Total lead	250 µg/l	250 µg/l.

	Daily average	Daily maximum
Polynuclear aromatic hydrocarbons pH 6.0—9.0 std. units	10 µg/l (2)	10 µg/l (2).
Louisiana (LAG830000)		
Benzene	5 µg/l (1)	5 µg/l (1).
Total BTEX	100 µg/l	100 µg/l.
Total lead	50 µg/l	50 µg/l.
TOC	50 mg/l	50 mg/l.
Polynuclear aromatic hydrocarbons pH 6.0—9.0 std. units	10 µg/l (2)	10 µg/l (2).
Oklahoma (OKG830000)		
Benzene	5 µg/l (1)	5 µg/l (1).
Total BTEX	100 µg/l	100 µg/l.
Polynuclear aromatic hydrocarbons pH 6.0—9.0 std. units	10 µg/l (2)	10 µg/l (2).
Total phenols	0.15 mg/l	0.25 mg/l.
Total organic carbon	75 mg/l	95 mg/l.
New Mexico (NMG83000)		
Benzene	5 µg/l (1)	5 µg/l (1).
Total BTEX	100 µg/l	100 µg/l.
Polynuclear aromatic hydrocarbons pH 6.0—9.0 std. units	10 µg/l (2)	10 µg/l (2).
Chemical oxygen demand (COD)	125 mg/l	125 mg/l.
Total lead	50 µg/l	50 µg/l.
No visible oil sheen		
Biomonitoring (48 hour acute)	monitor	

(1) For Discharge Monitoring Report calculations and reporting requirements for benzene, analytical test results less than 10 µg/l may be reported as zero.

(2) The Daily Max limit and monitoring requirement for PAH's do not apply to discharges from the cleanup of Petroleum UST Systems containing only gasoline, jet fuel and/or kerosene. The daily max value of any of the following PAH's shall not exceed 10 µg/l: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3,cd)pyrene, naphthalene, phenanthrene, pyrene.

Other Legal Requirements

A. State Certification

Under section 401(a)(1) of the Act, EPA may not issue an NPDES permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law. Section 301(b)(1)(C) of the Act requires that NPDES permits contain conditions that ensure compliance with applicable state water quality standards or limitations. The

proposed permits contain limitations intended to ensure compliance with state water quality standards and has been determined by EPA Region 6 to be consistent with the applicable state's water quality standards and the corresponding implementation plans. The Region has solicited certification from the Texas Natural Resources Conservation Commission for TXG830000, the Louisiana Department of Natural Resources for LAG830000, the Oklahoma Department of Environmental Quality for OKG830000 and the New Mexico Environment Department for NMG830000.

B. Endangered Species Act

The proposed limits are sufficiently stringent to assure state water quality standards, both for aquatic life protection and human health protection, will be met. The effluent limitations established in these permits ensure protection of aquatic life and maintenance of the receiving water as an aquatic habitat. The Region finds that adoption of the proposed permits is unlikely to adversely affect any threatened or endangered species or its critical habitat. EPA is seeking written concurrence from the United States Fish and Wildlife Service and National Marine Fisheries Service on this determination.

C. Historic Preservation Act

Facilities which adversely affect properties listed or eligible for listing in the National Register of Historical Places are not authorized to discharge under this permit.

D. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this action from the review requirements of Executive Order 12866.

E. Paperwork Reduction Act

The information collection required by this permit has been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, in submission made for the NPDES permit program and assigned OMB control numbers 2040-0086 (NPDES permit application) and 2040-0004 (discharge monitoring reports).

F. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 USC 601 *et seq.*, requires that EPA prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. As discussed previously in this Fact Sheet, compliance with the permit requirements will not result in a significant impact on dischargers, including small businesses, covered by

these permits. This lack of significant impact is due, in part, to the State Reimbursement Fund's reimbursement to the discharger of all NPDES permit compliance costs, except for a small deductible amount. EPA Region 6 therefore certifies, pursuant to the provisions of 5 USC 605(b), that the permits proposed today will not have a significant impact on a substantial number of small entities.

Dated: July 10, 1996.

William B. Hathaway,
Director, Water Quality Protection Division,
EPA Region 6.

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FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by FCC For Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

July 16, 1996.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission

by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before September 20, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-0435.

Title: Section 80.361 Frequencies for Narrow-Band Direct-Printing (NB-DP) and data transmissions.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Individuals, business or other for-profit.

Number of Respondents: 2.

Estimated Time Per Response: 2 hours.

Total Annual Burden: 4 hours.

Total Annual Cost: 0.

Needs and Uses: The reporting requirement contained in Section 80.361 is necessary to require applicants to submit a showing of need to obtain new or additional narrow-band direct-printing (NB-DP) frequencies. Applicants for new or additional NB-DP frequencies are required to show the schedule of service of each currently licensed or proposed series of NB-DP frequencies and to show a need for additional frequencies based on at least a 40% usage of existing NB-DP frequencies. The information is used to determine whether an application for a NB-DP frequency should be granted. If the collection of this information was not conducted, the FCC would have no information available regarding the use of NP-DP frequencies by public coast stations, and, therefore would be handicapped in determining whether the frequencies were being hoarded and not put into use by public coast stations.

OMB Approval Number: 3060-0263.

Title: Section 90.177 Protection of certain radio receiving locations.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Individuals and households; Businesses or other for-

profit; Non-profit institutions; State and local governments.

Number of Respondents: 300.

Estimated Time Per Response: .5 hours.

Total Annual Burden: 150 hours.

Needs and Uses: This rule requires applicants proposing to locate near certain radio receiving sites to notify those parties. Requirement protects critical national security and research sites from interference.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-18484 Filed 7-19-96; 8:45 am]

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Public Information Collection Requirement Submitted to OMB for Emergency Review and Approval

AGENCY: Federal Communications Commission.

ACTION: Public Information Collection Requirement submitted to OMB for emergency review and approval.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated information techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 6, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.