

Research (CDER), Center for Devices and Radiological Health (CDRH), Center for Biologics Evaluation and Research (CBER) and Office of Commissioner (OC), Site Selection, White Oak Naval Surface Weapons Center, Montgomery, MD, Due: June 2, 1997, Contact: Jag Bhargava (202) 708-7248. Published FR-05-02-97—Due Date Correction.

EIS No. 970154, Draft EIS, AFS, MT, Poorman Project, Implementation, Harvesting and Road Construction, Helena National Forest, Lincoln Ranger District, Lewis and Clark County, MT, Due: June 16, 1997, Contact: Thomas J. Andersen (406) 449-5201. Published FR-05-02-97—Due Date Correction.

EIS No. 970155, Draft EIS, AFS, CA, Damon Fire Salvage and Restoration Project, Implementation, Modoc National Forest, Modoc County, CA, Due: June 16, 1997, Contact: Paul Bailey (916) 233-5811. Published FR-05-02-97—Due Date Correction.

EIS No. 970156, Draft EIS, SCS, OK, Middle Deep Red Run Creek Watershed Plan, Implementation, Funding and Possible COE Section 404 Permit, Central Rolling Red Plains, Tillman, Comanche and Kiowa Counties, OK, Due: June 16, 1997, Contact: Ronnie L. Clark (405) 742-1200. Published FR-05-02-97—Agency Correction.

EIS No. 970157, Final EIS, AFS, NV, Griffon Mining Project, Implementation, Issuance Plan of Operations Approval, Humboldt-Toiyabe National Forests, Ely Ranger District, White Pine County, NV, Due: June 2, 1997, Contact: David Valenzaela (702) 289-3031. Published FR-05-02-97—Due Date Correction.

EIS No. 970158, Final EIS, FTA, TX, North Central Corridor Light Rail Transit (LRT) Extension, Transportation Improvements, Funding, NPDES Permit and COE Section 404 Permit, Dallas and Collin Counties, TX, Due: June 2, 1997, Contact: Jesse Balleza (817) 860-9663. Published FR-05-02-97—Due Date Correction.

Dated: May 6, 1997.

**William D. Dickerson,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 97-12244 Filed 5-8-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5480-3]

### Intent To Prepare an Environmental Impact Statement for the Final Rule for Environmental Impact Assessment of Nongovernmental Activities in Antarctica

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

**ACTION:** Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Final Rule for Environmental Impact Assessment (EIA) of Nongovernmental Activities in Antarctica.

**PURPOSE:** The U.S. EPA, in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA), will prepare a Draft EIS for the proposed final regulations that will provide for: (1) Environmental impact assessment of nongovernmental activities, including tourism, in Antarctica for which the United States is required to give advance notice under paragraph 5 of Article VII of the Antarctic Treaty of 1959, and (2) coordination of the review of information regarding environmental impact assessments received by the United States from other Parties to the Protocol on Environmental Protection to the Antarctic Treaty. These final regulations will be prepared pursuant to the Antarctic Science, Tourism, and Conservation Act of 1996. EPA invites comments and suggestions on the scope of the rulemaking and analysis including the environmental and regulatory issues to be addressed in the EIS.

**DATES:** Written comments from the public regarding the environmental and regulatory issues and alternatives to be addressed in the Draft EIS will be accepted by EPA through July 15, 1997. The EPA will also hold a public meeting on Tuesday, July 8, 1997, in Washington, DC, metropolitan area to receive public input, either verbal or written, on relevant environmental and regulatory issues that should be addressed in the Draft EIS. The specific location and time of the public meeting will be published in the **Federal Register** at a later date with this information mailed directly to those requesting to be on the project mailing list.

**FOR FURTHER INFORMATION AND TO BE PLACED ON THE PROJECT MAILING LIST**

**CONTACT:** Mr. Joseph Montgomery or Ms. Katherine Biggs, Office of Federal Activities (2252A), U.S. Environmental Protection Agency, 401 M Street, SW.,

Washington, DC 20460; telephone: (202) 564-7157 or (202) 564-7144, respectively. Copies of the Environmental Assessment, Finding of No Significant Impact, and Interim Final Rule discussed in the **SUPPLEMENTARY INFORMATION** section below may be requested from these contacts. These documents are also available on the World Wide Web at: <http://es.inel.gov/oeca/ofa/>.

#### SUPPLEMENTARY INFORMATION:

#### **I. Background: Environmental Assessment and Interim Final Rule**

The Antarctic Science, Tourism, and Conservation Act of 1996 (Act) implements the Protocol on Environmental Protection (Protocol) to the Antarctic Treaty (Treaty). Pursuant to the Act, the EPA is required to promulgate regulations by October 2, 1998, that provide for assessment of the environmental impacts of nongovernmental activities, including tourism, in Antarctica and for coordination of the review of information regarding environmental impact assessments received from other Parties to the Protocol. The EPA promulgated an Interim Final Rule on April 30, 1998, (**Federal Register**/Vol. 62, No. 83/Wednesday, April 30, 1997/23538-23549) so that the United States would have the ability to implement its obligations under the Protocol as soon as the Protocol enters into force. The EPA also prepared an "Environmental Assessment of Proposed Interim Rules for Non-Governmental Activity in Antarctica" (EA) to evaluate the environmental and cultural impacts of the interim rule. Based on the EA's analysis, EPA issued a Finding of No Significant Impact (FNSI) concluding that the promulgation of the Interim Final Rule will not have or cause significant impacts on the Antarctic environment. The Interim Final Rule: sets forth appropriate environmental impact assessment and documentation procedures, including documentation regarding planned mitigation and monitoring, if appropriate, by tour operators; enhances the collection of data on effects and intensity of activities by nongovernmental visitors in Antarctica; and reduces the likelihood of inadvertent environmental perturbations that may be avoidable.

#### **II. Description of Final Rule to be Developed and the Issues and Alternatives to be Considered in the EIS for the Final Rule**

During the time the Interim Final Rule is in place and before the October 1998 deadline set by the Act, EPA will

promulgate a Final Rule that will provide for assessment of environmental impacts of nongovernmental activities, including tourism, in Antarctica and for coordination of the review of information regarding environmental impact assessments received from other Parties to the Protocol. In support of this regulatory action, EPA is preparing an EIS to consider the environmental and regulatory issues to be addressed in the Final Rule and the alternatives for addressing these issues within the rule-making process. The alternatives considered by EPA in the Draft EIS will include: (1) No Action, i.e., EPA does not promulgate a Final Rule; (2) promulgation of the requirements of the Interim Final Rule as the Final Rule; and (3) other relevant alternatives necessary to address the associated environmental and regulatory issues raised by EPA and the public. In developing the Draft EIS, EPA will be guided by the statutory requirements of the Act including the requirement that “\* \* \* regulations shall be consistent with Annex I to the Protocol” 16 U.S.C. 2403a(c)(2). The EPA will also consider other relevant regulatory provisions and programs such as: the enforcement provisions of and authorities under the Antarctic Conservation Act, 16 U.S.C. 2401 *et seq.*; the National Science Foundation’s (NSF) management of the U.S. Antarctic Program for governmental activities, 45 CFR Part 641; the National Environmental Policy Act, 42 U.S.C. 4321 to 4370d, and as referenced in 16 U.S.C. 2403a(a)(1)(A); the Council on Environmental Quality’s (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500–1508, and EPA’s Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act, 40 CFR Part 6. The EPA plans to consider the following issues, along with any other relevant alternatives or issues raised by the public, in the Draft EIS:

(1) Do the time frames of the Interim Final Rule for the submittal and review of the environmental documentation need to be changed?

(2) Should EPA’s review criteria more explicitly identify factors to assess in determining the environmental impact of proposed actions? Article 3 of the Protocol, “Environmental Principles,” identifies a number of environmental principles for the planning and conduct of activities in Antarctica to protect both the Antarctic environment and its value for the conduct of science in Antarctica. Can and/or should these Principles be

more fully integrated into the review criteria to ensure that the environmental analysis provides an understanding of the extent to which the activity will comport with the provisions of Article 3?

(3) What is the appropriate monitoring regime, if any, that should be set out for various types of nongovernmental expeditions? The Protocol requires procedures to assess and verify the actual impacts of an activity which proceeds on the basis of an initial environmental evaluation (IEE) or a comprehensive environmental evaluation (CEE). An operator must provide appropriate monitoring of key environmental indicators for an activity proceeding on the basis of a CEE; further, an operator may also need to carry out monitoring for which an IEE has been prepared. The Treaty Parties are still working to identify monitoring approaches which can best support the Protocol’s implementation. Until the Parties agree on such an approach, should the procedures provided for in the Interim Final Rule be expanded or remain the same?

(4) Are there other options for streamlining the documentation requirements? The Interim Final Rule provides for incorporation of materials by reference, consolidation of environmental documentation, and waiver of deadlines, options that reduce the burden on the regulated parties. What other streamlining options should be considered? For example, should there be provisions to allow operators to rely on environmental assessment documentation prepared for past expeditions in cases where there are no changes proposed relative to the proposed expedition(s)? Should there be a provision to allow operators to prepare a “Programmatic” IEE or CEE? (Drawing on the NEPA analogy, a Programmatic EIS is an area-wide or overview EIS to address similar activities viewed with other reasonably foreseeable or proposed activities that share common timing or geography. A Programmatic EIS may serve as a basis for tiering, including incorporation by referencing general and relevant specific discussions from it into an EIS of a lesser scope).

(5) What mitigation options should be considered as part of the EIA process? Should mitigation be required for certain activities?

(6) What is the best way to address cumulative impacts? Characterization of impacts from single events is direct and relatively uncomplicated as compared to characterization of cumulative impacts since cumulative impacts

involve multiple events over time and often result from the effects of more than one source on a single receptor at a single point in time.

(7) Are there activities, or categories of activities, that can be excluded from the environmental documentation requirements (e.g., Categorical Exclusions)? The CEQ regulations define “categorical exclusion” as “a category of actions which do not individually or cumulatively have a significant effect on the human environment \* \* \* and for which, therefore, neither an environmental assessment nor an environmental impact statement is required” (40 CFR 1508.4).

(8) Should there be provision for public comment on Initial Environmental Evaluations? This is not required by the Protocol. The Interim Final Rule provides for posting notice of receipt of IEEs on the OFA World Wide Web site and to provide copies to the public upon request.

(9) With regard to the review of environmental documents received from other Parties, should the process as delineated in the Interim Final Rule be modified?

(10) Do the paperwork projections in the Interim Final Rule accurately reflect the reporting requirements for those subject to the Final Rule?

#### Scoping and Public Comments

Although the Interim Final Rule was promulgated without public notice and comment, the Final Rule and the associated EIS will include extensive opportunities for public comment. The EIS process is subject to the public participation requirements of the National Environmental Policy Act (NEPA) (40 CFR parts 1501.7, 1502.19, and 1503) and EPA’s NEPA implementing regulations (40 CFR part 6, subpart D), and the Final Rule will be proposed and promulgated in accordance with the applicable provision of the Administrative Procedure Act (5 U.S.C. 553). An integral part of the NEPA process is public participation in the Scoping process, the key purpose of which is to identify the environmental and regulatory issues and alternatives to be addressed in the Draft EIS. The public may participate in the initial scoping process including the scoping meeting discussed in the DATES section above. The public will also have an opportunity to comment on the Draft EIS and the proposed Final Rule.

**Estimated Date of Release**

The Draft EIS and proposed Final Rule will be made available in January 1998.

**Richard E. Sanderson,**

*Director, Office of Federal Activities.*

[FR Doc. 97-12242 Filed 5-8-97; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[OPP-181043; FRL-5712-1]

**Emergency Exemptions**

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

**ACTION:** Notice.

**SUMMARY:** EPA has granted specific exemptions for the control of various pests to six States listed below. A crisis exemption was initiated by the California Department of Pesticide Regulation and one by the Georgia and Texas Departments of Agriculture. These exemptions, issued during the month of February 1997, including the one in July 1996, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

**DATES:** See each specific and crisis exemption for its effective date.

**FOR FURTHER INFORMATION CONTACT:** See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, CS 1B1, 2800 Jefferson Davis Highway, Arlington, VA (703-308-8417); e-mail: group.ermus@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA has granted specific exemptions to the:

1. Delaware Department of Agriculture for the use of metolachlor on spinach to control weeds; February 10, 1997, to February 1, 1998. (Margarita Collantes)
2. Kansas Department of Agriculture for the use of propiconazole on dry beans to control rust; July 19, 1996, to September 15, 1996. (Pat Cimino)
3. Massachusetts Department of Food and Agriculture for the use of clopyralid on cranberries to control weeds; February 27, 1997, to July 31, 1997. (Libby Pemberton)

4. Oregon Department of Agriculture for the use of clopyralid on cranberries to control weeds; February 27, 1997, to July 31, 1997. (Libby Pemberton)

5. Washington Department of Agriculture for the use of clopyralid on cranberries to control weeds; February 27, 1997, to July 31, 1997. (Libby Pemberton)

6. Wisconsin Department of Agriculture, Trade, and Consumer Services for the use of metolachlor on spinach to control weeds; February 10, 1997, to August 31, 1997. (Margarita Collantes)

Crisis exemptions were initiated by the:

1. California Department of Pesticide Regulation on February 20, 1997, for the use of maneb on walnuts to control walnut blight. This program will end on June 15, 1997. (Libby Pemberton)

2. Georgia Department of Agriculture on February 28, 1997, for the use of norflurazon on bermudagrass to control weeds. This program is expected to last until July 1, 1997. (Libby Pemberton)

3. Texas Department of Agriculture on February 17, 1997, for the use of norflurazon on bermudagrass to control weeds. This program has ended. (Libby Pemberton)

**Authority:** 7 U.S.C. 136.

**List of Subjects**

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: April 30, 1997.

**James Jones,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 97-12193 Filed 5-8-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5817-9]

**Proposed Settlement, Cherokee Resources Sites**

May 1, 1997.

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to settle claims for response costs under Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9622(g), with parties qualifying for *de minimis* settlements. These claims relate to removal and response actions

undertaken by EPA at the Cherokee Resources Sites on Berryhill Road and Summit Avenue in Charlotte, Mecklenburg County, North Carolina.

EPA will consider public comments on the proposed settlement which are received by EPA within thirty (30) days of the date of this notice. EPA may withdraw or withhold consent to the proposed settlement if such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate.

Request for copies of the proposed settlement and a list of proposed settling *de minimis* parties are available from Ms. Paula V. Batchelor at the address below. Written comments may be submitted to Ms. Batchelor at the same address within thirty (30) days of the date of publication.

Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region 4, Waste Management Division, Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303-3104, 404/562-8887.

Dated: May 1, 1997.

**Robert Jourdan,**

*Acting Director, Waste Management Division.*

*Cherokee Oil—Index of Signed de minimis Settlement Offers*

3R, Inc.

AAR Powerboss Inc. f/k/a AAR Brook & Perkins

A C Wildenhouse

A D Milling Co. a/k/a Archer Daniels Midland Co.

A E Finley & Associates

Aeroquip Corp. a/k/a Trinova Corp. f/k/a

Kusan Manufacturing Company

A G Boone Co.

AKG of America, Inc.

Alan Kulwicki Racing

Alemite Corporation a/k/a Stewart Warner

Alpha America Equipment

Alumax Extrusions, Inc.

Amerace, Microporous Products, L.P.

American Crane Corp.

Ameron Fiberglass Pipe Division

Ametek, Inc.

Arrowood Mills of NC, Inc.

Assured Casting Corp.

Athol Manufacturing Corp.

Automatic Switch Co.

BABN Tech

B E & K Construction Company

Bergemann USA, Inc.

B F Goodrich/Michelin Tire Co.

Blythe Construction, Inc. f/k/a Blythe

Industries

Boren Brick Clay Products

Bradford Brothers

Bridgestone/Firestone, Inc.

Bridon American Corporation

Brown Equipment Manufacturing Company

Burkart Foam, Inc.

Burris Chemical

Butler Manufacturing Company

Carolina Foods

Carolina Storage