

Federal preemption for its LEV standards, the warranty regulations which were the subject of CARB's request for a within-the-scope determination would continue to be within the scope of existing waivers beyond the 1993 model year so long as they (1) do not undermine California's determination that its standards, in the aggregate, are as protective of public health and welfare as comparable Federal standards (2) do not affect the consistency of California's requirements with section 202(a) of the Act, and (3) raise no new issues affecting EPA's previous waiver determinations.

On January 7, 1993, EPA granted a waiver of Federal preemption for the low-emission LDV component of California's LEV program.<sup>8</sup> EPA also has waived Federal preemption for California's standards applicable to 1995 and later model year MDVs.<sup>9</sup> In today's decision, EPA waives preemption for California's MDV standards for 1998 and later model year vehicle and engines which are part of the LEV Program. EPA has previously determined that California's earlier emission warranty regulations were within the scope of previous waivers.<sup>10</sup> Consistent with these previous determinations, EPA now has determined that emission warranty regulations, which are the subject of CARB's February 4, 1991 letter, as applied through the 1994 model year and beyond to passenger cars, light-duty trucks and medium-duty vehicles and engines, are within the scope of earlier waivers granted for standards.

With regard to the 1994 and later model years, these amendments do not undermine California's determination that its standards, in the aggregate are as protective of public health and welfare as comparable Federal standards, are not inconsistent with section 202(a) of the Act, and raise no new issues affecting the EPA's previous waiver determination. Thus these amendments are within the scope of previous waivers determinations.<sup>11</sup> A full explanation of EPA's decision is contained in a determination document which may be obtained from EPA as noted above.

My decision will affect not only persons in California but also the manufacturers outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this

reason, I hereby determine and find that this is a final action of national applicability.

As with past waiver decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. sec. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Finally, the Administrator has delegated the authority to make determinations regarding waivers of Federal preemption under section 209(b) of the Act to the Assistant Administrator for Air and Radiation.

Dated: April 6, 1998.

**Richard D. Wilson,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 98-10010 Filed 4-14-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5996-3]

### Notice of Proposed Assessment of Clean Water Act Class I Administrative Penalty to Campbell Soup Company and opportunity to comment

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed administrative penalty assessment and opportunity to comment.

**SUMMARY:** EPA is providing notice of proposed administrative penalty assessment for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue these orders after the commencement of either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessments pursuant to 33 U.S.C. 1319(g)(4)(a).

Class I proceedings are conducted under EPA's proposed Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 CFR Part 22. The procedures through which the

public may submit written comment on a proposed Class I order or participate in a Class I proceeding, and the Procedures by which a Respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class I order is thirty days after publication of this notice.

On the date identified below, EPA commenced the following Class I proceeding for the assessment of penalties:

In the Matter of Campbell Soup Company, located at 6200 Franklin Boulevard, Sacramento, California 95824; EPA Docket No. CWA-IX-FY98-01; filed on April 2, 1998, with Ms. Danielle Carr, Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1391; proposed penalty of \$10,445 for failure to submit self-monitoring reports with toxic organics results in 1995, 1996 and part of 1997.

**FOR FURTHER INFORMATION:** Persons wishing to receive a copy of EPA's Consolidated Rules, review of the complaint or other documents filed in this proceeding, comment upon a proposed assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. The administrative record for this proceeding is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. All information submitted by the respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in these proceedings prior to thirty (30) days after the date of publication of this notice.

Dated: August 6, 1998.

**Alexis Strauss,**

*Acting Director, Water Division, Region IX.*

[FR Doc. 98-10004 Filed 4-14-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5997-3]

### Underground Injection Control Program; Hazardous Waste Land Disposal Restrictions

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

**ACTION:** Notice of approval of application for a case-by-case extension

<sup>8</sup> 58 FR 4166 (January 13, 1993).

<sup>9</sup> 59 FR 48625 (September 22, 1994).

<sup>10</sup> 37 FR 14831 (July 25, 1972); 44 FR 61096 (October 23, 1979); 51 FR 12391 (March 26, 1986); 51 FR 15961 (April 22, 1986).

<sup>11</sup> *Id.*

of land disposal restrictions effective date.

**SUMMARY:** EPA has approved the request from DuPont Sabine River Works Facility (DuPont or Facility) for a one year extension of the April 8, 1998, effective date of the RCRA land disposal restrictions (LDR) treatment standards applicable to wastewaters with the hazardous waste code D018 (Benzene). This action responds to a case-by-case extension request submitted by DuPont under 40 CFR 148.4 according to procedures set out in 40 CFR 268.5, which allow an owner or operator of a Class I hazardous waste injection well to request that the Administrator grant, on a case-by-case basis, an extension of the applicable effective date. To be granted such a request, the applicant must demonstrate, among other things, that there is insufficient capacity to manage its waste and that they have entered into a binding contractual commitment to construct or otherwise provide such capacity, but due to circumstances beyond their control, such capacity could not reasonably be made available by the effective date. As a result of this action, DuPont can continue to inject wastewaters that contain D018 into the Class I hazardous waste injection wells located at the Sabine River Works, Orange, Texas facility until April 8, 1999. If warranted, EPA may grant a renewal of this extension, for up to one additional year, which, if requested and granted, would extend the effective date of the LDR for D018 (Benzene) to April 8, 2000.

**EFFECTIVE DATE:** This approved case-by-case extension of the LDR became effective April 7, 1998.

**ADDRESSES:** The docket for this action is located at the Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch, Ground Water/UIC Section (6WQ-SG), 1445 Ross Avenue, Dallas, Texas 75202-2733. The public can review all docket materials by visiting the EPA Region 6 Office during normal business hours, 8:00 a.m. through 4:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION:** Contact Philip Dellinger, Chief, Ground Water/UIC Section, Source Water Protection Branch, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733 or telephone (214) 665-7165.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*A. Congressional Mandate*

Congress enacted the Hazardous and Solid Waste Amendments (HSWA) of

1984 to amend the Resource Conservation and Recovery Act (RCRA), to impose additional responsibilities on persons managing hazardous wastes. Among other things, HSWA required EPA to develop regulations that would impose restrictions on the land disposal of hazardous wastes. In particular, Sections 3004 (d) through (g) prohibit the land disposal of certain hazardous wastes by specified dates in order to protect human health and the environment except that wastes which meet treatment standards established by EPA are not prohibited and may be land disposed. Section 3004(m) requires EPA to set "levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized." Subsections 3004 (d), (e), (f) and (g) also allow the applicant to demonstrate that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous. The no migration petition process for injected hazardous wastes is set out at 40 CFR Part 148 Subpart C.

In developing such a broad program, Congress recognized that adequate alternative treatment, recovery, or disposal capacity which is protective of human health and the environment, may not be available by the applicable statutory effective dates. Section 3004(h)(2) authorizes EPA to grant a variance (based on the earliest dates that such capacity will be available, but not to exceed two years) from the effective date which would otherwise apply to specific hazardous wastes. In addition, under Section 3004(h)(3), EPA is authorized to grant an additional capacity extension of the applicable deadline on a case-by-case basis for up to one year. Such an extension is renewable once for up to one additional year.

On November 7, 1986, EPA published a final rule (51 FR 40572) establishing the regulatory framework to implement the land disposal restrictions program, including the procedures for submitting case-by-case extension applications.

On April 8, 1996, EPA published a final rule (61 FR 15566), establishing treatment standards under the land disposal restrictions (LDR) program for certain listed hazardous wastes, including D018 (Benzene). Because of a determination that available treatment, recovery, or disposal (TRD) capacity did not exist at that time for D018 wastewaters that are underground injected, EPA granted a two-year

national capacity variance for these wastes. The variance will expire April 8, 1998.

EPA approved DuPont's no migration demonstration under 40 CFR Part 148 Subpart C on September 10, 1991. DuPont submitted a petition reissuance request in October 1997. This reissuance request, if approved, would allow the continued underground injection of the two wastestreams with the hazardous waste code D018 (Benzene) into WDW-54 and WDW-282. EPA has completed the review of this request and has found it to be technically sound. Recently one of the wells at the DuPont facility developed a mechanical integrity problem and is in the process of being repaired. Once the mechanical integrity of this well has been reestablished and EPA has confirmed that the well has mechanical integrity, then EPA can propose approval of DuPont's reissuance request. Unfortunately the time required to do the repair work and to proceed through the administrative process of the reissuance will extend past the land disposal restriction effective date of April 8, 1998.

*B. Applicant's Demonstrations Under 40 CFR 268.5 for Case-by-Case Extension*

When it became apparent that DuPont's reissuance request could not be processed by the land disposal restriction effective date, they submitted a case-by-case extension request to allow continued injection of D018 wastewaters until April 8, 1999. This request, which was submitted on February 16, 1998, documented their need for the extension and included their justification for a case-by-case extension approval. DuPont's request letter is part of the docket. On March 2, 1998 (40 CFR 10219), EPA proposed to grant this request. EPA received no comments on this proposal.

Case-by-case extension applications must satisfy the requirements outlined in 40 CFR 268.5. In its proposal, EPA discussed each of the seven demonstrations of 40 CFR 268.5(a)(1)-(7) made by DuPont. Readers should refer to that discussion for EPA's reasoning on these points.

**II. Response to Comments**

EPA received no comments on the March 2, 1998 (63 FR 10219), case-by-case extension proposal.

**III. Consultation With State**

In accordance with 40 CFR 268.5(e), EPA consulted with the State of Texas (Texas Natural Resource Conservation Commission) to determine if the State had any permitting, enforcement, or other concerns regarding this facility

that EPA should take into consideration in deciding to approve or deny DuPont's application for a case-by-case extension of the LDR effective date. The State of Texas had no substantive issues for EPA to consider in evaluating DuPont's extension request.

#### IV. EPA's Action

For the reasons discussed above, the Agency believes that DuPont has satisfied all the requirements for a case-by-case extension to the April 8, 1998, effective date of the RCRA land disposal restrictions (LDR) treatment standards applicable to wastewaters with the hazardous waste code D018 (Benzene). Therefore, EPA is approving DuPont's requested case-by-case extension for a one year period. If during this time frame a final decision on DuPont's petition reissuance request is made, then this case-by-case extension will expire.

Dated: April 7, 1998.

**William B. Hathaway,**

*Director, Water Quality Protection Division (6WQ), EPA Region 6.*

[FR Doc. 98-10012 Filed 4-14-98; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-5996-1]

#### Open Meeting of the Environmental Financial Advisory Board on May 5, 1998

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Financial Advisory Board (EFAB) will hold an open meeting on a proposed Environmental Bond Guaranty program for the New Independent States of the former Soviet Union (NIS). This program would create a \$100 million fund to enhance the credit of municipal bonds issued in the NIS by guarantying financial obligations undertaken by NIS regional or local governments (or those formally acting on behalf of such governments) for capital projects providing environmental infrastructure that serve the general public. Types of environmental infrastructure projects covered may include, but not be limited to, drinking water purification or distribution, wastewater collection or treatment, solid or hazardous disposal waste, the efficient generation or use of energy, and air pollution abatement.

The meeting is scheduled for May 5, 1998 in the Zenger Room at the National

Press Club Building, 526 14th St., NW., 13th Floor, Washington, DC. The meeting will run from 9:00 a.m.-3:00 p.m.

EFAB is a federally chartered advisory board that provides analysis and advice to the U.S. Environmental Protection Agency (EPA) on environmental finance issues. EFAB has been asked by the EPA's Office of International Activities to review and comment on the guaranty fund concept. As part of EFAB's review, this meeting will solicit public comment and facilitate discussion of the best approaches to encourage the financing of environmental projects in the NIS.

A draft feasibility study on the Environmental Bond Guaranty program is available on EPA's web site at <http://www.epa.gov/efinpage/partcont.htm>. Summaries of the study in hard copy form are available by contacting the numbers listed below. Written comments are welcome at United States Environmental Protection Agency, Environmental Finance Program, 401 M St. SW., Mail Code 2731R, Washington, DC 20460.

Several invited speakers will make presentations and the public is welcome, but seating is limited. Parties who wish to provide remarks should contact Michael Segal at (202) 564-2211 or Tim McProuty at (202) 564-4996 of the Environmental Finance Program.

Dated: April 9, 1998.

**Michael Ryan,**

*Comptroller.*

[FR Doc. 98-10003 Filed 4-14-98; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[OPP-00514A; FRL-5777-1]

#### FIFRA Scientific Advisory Panel, Appointments

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

**ACTION:** Notice.

**SUMMARY:** Notice is given of the appointment of three new members to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel established pursuant to section 25(d) of FIFRA. Public notice of nominees along with a request for public comments appeared in the **Federal Register** of December 5, 1997.

**FOR FURTHER INFORMATION CONTACT:** By mail: Larry C. Dorsey, Designated Federal Official, FIFRA Scientific Advisory Panel (7501C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW.,

Washington, DC 20460, Office location, telephone number, and e-mail address: Rm. 815B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22203. Telephone: (703) 305-5369 or 305-7351, e-mail address: [dorsey.larry@epamail.epa.gov](mailto:dorsey.larry@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:** Congress mandated that the Scientific Advisory Panel would consist of seven members selected from candidates nominated by the National Science Foundation (NSF) and the National Institutes of Health (NIH). Congress also mandated that the terms of appointment would be staggered. A list of nominees, including biographical data, appeared in the **Federal Register** of December 5, 1997 (62 FR 64371) (FRL-57758-6). Comments about several nominees and suggestions for additional nominees were received from the U.S. House of Representatives, Committee on Agriculture; the Natural Resources Defense Council; the Children's Environmental Health Network; and Zeneca Ag Products, in response to this Notice. The purpose of this Notice is to announce the appointment of Dr. Fumio Matsumura, Dr. Herbert Needleman, and Dr. Christopher Portier as members of the FIFRA Scientific Advisory Panel. Dr. Matsumura is Chair of the Department of Toxicology at the University of California at Davis; he will provide the experience and technical background needed in the area of the environmental health sciences. Dr. Needleman is Professor of Pediatrics at the University of Pittsburgh School of Medicine; he will provide expertise in the area of pediatric medicine. Dr. Christopher Portier is Head of the Toxicokinetics Faculty at the National Institute of Environmental Health Sciences in Research Triangle Park, NC; his background in mathematics and biostatistics will provide the Panel with expertise in biostatistics and human health risk assessment methodology.

The decision to appoint Drs. Matsumura, Needleman, and Portier is based upon several additional factors: Dr. Matsumura's extensive experience in the toxicology of pesticides and related chemicals; Dr. Needleman's focus on the effects of lead, drugs, and other pollutants on children; and Dr. Portier's experience in the analysis of such diverse risks to human health as dioxin, Agent Orange, and polychlorinated biphenyls.

Meetings of the Scientific Advisory Panel are announced in the **Federal Register** at least 15 days prior to each meeting, in accordance with the directives of the Federal Advisory Committee Act.