

detailed data was requested to support evaluations regarding potential benefits or adverse impacts.

ERP No. D-SFW-L99005-WA Rating EC2, Plum Creek Timber Sale, Issuance of a Permit to Allow Incidental Take and Habitat Conservation Plan (HCP) for Threatened and Endangered Species, Implementation, Eastern and Western Cascade Provinces in the Cascade Mountains, King and Kittitas Counties, WA.

Summary: EPA had environmental concerns with the project based on the potential impacts of land management activities on water quality, particularly to existing water quality limited/303(d)—listed streams in the HCP area, and on the effective implementation of an adaptive management strategy. EPA requests that the HCP incorporate more in-depth monitoring activities for changed in water quality related to sediment loading and temperature, and a stronger commitment toward possible adjustments of land management activities in response to monitoring results.

#### Final EISs

ERP No. F-DOE-E06015-SC, Savannah River Site Interim Management of Nuclear Materials, Implementation, Aiken and Barnwell Counties, SC.

Summary: EPA's draft EIS comments were adequately addressed in the final EIS. Additional comments were provided in support of DOE's preferred alternative.

ERP No. F-FAA-K51032-CA, Burbank-Glendale-Pasadena Airport, Replacement Passenger Terminal Construction, Approval, Los Angeles County, CA.

Summary: EPA expressed environmental concerns regarding air conformity, asbestos and polychlorinated biphenyls requirement. EPA recommended that these issues be addressed in the Record of Decision.

Dated: March 5, 1996.

William D. Dickerson,  
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96-5576 Filed 3-7-96; 8:45 am]

BILLING CODE 6560-50-U

#### [FRL-5438-1]

#### Investigator-Initiated Grants: Request for Applications

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of request for applications.

**SUMMARY:** This notice provides information on the availability of supplemental announcements for the fiscal year 1996 investigator-initiated grants program, in which the areas of research interest, eligibility and submission requirements, evaluation criteria, and implementation schedule are set forth. Grants will be competitively awarded following peer review.

**DATES:** Proposals must be received at the contact point by May 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** U.S. Environmental Protection Agency, National Center for Environmental Research and Quality Assurance (8703), 401 M Street SW., Washington DC 20460, telephone (202) 260-3837, telefax (202) 260-2039. The complete announcements can be accessed on the Internet from the EPA home page menus: <<http://www.epa.gov/OER>>.

**SUPPLEMENTARY INFORMATION:** In its Request for Applications (RFA) the U.S. Environmental Protection Agency (EPA) invites research grant applications in the following areas of special interest to its mission: (1) Endocrine Disruptors, (2) Role of Interindividual Variation in Human Susceptibility to Cancer, (3) Risk-based Decisions for Contaminated Sediments, in one document, and (4) Bioremediation, jointly with the Department of Energy, National Science Foundation, and the Office of Naval Research, in a second document.

The RFAs provide relevant background information, summarize EPA's interest in the topic areas, and describe the application and review process.

#### Contacts for Research Topics of Interest

##### *Endocrine Disruptors*

• Robert Menzer, 202-260-5779  
[menzer.robert@epamail.epa.gov](mailto:menzer.robert@epamail.epa.gov)

##### *Role of Interindividual Variation in Human Susceptibility to Cancer*

• David Reese, 202-260-7342  
[reese.david@epamail.epa.gov](mailto:reese.david@epamail.epa.gov)

##### *Risk-Based Decisions for Contaminated Sediments*

• David Reese, 202-260-7342  
[reese.david@epamail.epa.gov](mailto:reese.david@epamail.epa.gov)

##### *Bioremediation*

• Robert Menzer, 202-260-5779  
[menzer.robert@epamail.epa.gov](mailto:menzer.robert@epamail.epa.gov)

Dated: March 1, 1996.

Robert J. Huggett,  
Assistant Administrator for Research and Development.

[FR Doc. 96-5534 Filed 3-7-96; 8:45 am]

BILLING CODE 6560-50-P

#### [FRL-5437-9]

#### West Virginia Division of Environmental Protection: Partial Program Adequacy Determination of State Municipal Solid Waste Landfill Permit Program

**AGENCY:** Environmental Protection Agency Region III.

**ACTION:** Notice of Tentative Determination on the West Virginia Division of Environmental Protection Application for a Partial Program Adequacy Determination, Public Hearing and Public Comment Period.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR Part 258). RCRA Section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule for such determinations. On January 26, 1996, EPA published in the Federal Register a proposed State/Tribal Implementation Rule (STIR) that provides procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The EPA intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to the final promulgation of STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the proposed STIR as an aid in interpreting these requirements. The EPA believes that early approvals have an important benefit. Approved State/Tribal permit programs provide interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by Part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

The West Virginia Division of Environmental Protection (WVDEP) applied for a partial determination of adequacy under section 4005 of RCRA. EPA reviewed WVDEP's application and made a tentative determination of adequacy for those portions of the WVDEP's MSWLF permit program that are adequate to assure compliance with the revised MSWLF Criteria. These portions are described later in this notice. The WVDEP plans to revise the remainder of its permit program to assure complete compliance with the revised MSWLF Criteria and gain full program approval. WVDEP's application for partial program adequacy determination is available for public review and comment.

All municipal solid waste landfilled in West Virginia must be disposed in a landfill which meets these criteria. This includes all ash from municipal solid waste incinerators which is determined to be non-hazardous.

Although RCRA does not require EPA to hold a public hearing on a determination to approve any State/Tribe's MSWLF program, EPA Region III is offering the opportunity for a public hearing on this determination on the date given below in the **DATES** section.

**DATES:** All comments on WVDEP's application for a partial determination of adequacy must be received by EPA Region III by the close of business on April 30, 1996. If, and only if, sufficient interest in having a public hearing is requested by April 10, 1996, a public hearing to receive oral and written testimony on EPA's tentative determination will be held on Tuesday, April 30, 1996 from 7:00 pm until 10:00 pm. The hearing, if held, will be at the Capital High School Auditorium, 1500 Greenbrier Street, Charleston, WV. WVDEP will attend the public hearing.

Written or verbal requests for a public hearing must be received by the EPA contact listed below by April 10, 1996. EPA will determine by April 12, 1996 if a public hearing is warranted. After that date, any interested party may contact the EPA persons listed below to find out whether or not a public hearing will be held.

**ADDRESSES:** Copies of WVDEP's application for partial adequacy determination are available from 9 a.m. to 4 p.m. at the following addresses for inspection and copying: West Virginia Division of Environmental Protection, 1356 Hansford Street, Charleston, WV 25301, Attn: Mr. William Rheinlander, telephone 304-558-5929; and U.S. EPA Region III, 841 Chestnut Street Building, Philadelphia, Pennsylvania 19107, Attn: Mr. Andrew R. Uricheck, mailcode

(3HW60), telephone 215-597-7936. All written comments on this tentative determination must be sent to U.S. EPA Region III, 841 Chestnut Street Building, Philadelphia, Pennsylvania 19107, Attn: Mr. John Humphries, mailcode (3HW60).

**FOR FURTHER INFORMATION AND TO REQUEST A PUBLIC HEARING, CONTACT:** U.S. EPA Region III, 841 Chestnut Street Building, Philadelphia, Pennsylvania 19107, Attn: Mr. Andrew R. Uricheck, mailcode (3HW60) or telephone 215-597-7936.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR Part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria under Part 258. Subtitle D also requires in section 4005 that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the EPA has proposed in the Federal Register the State/Tribal Implementation Rule (STIR). The Rule specifies the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA proposed in the STIR to allow partial approvals if: 1) the Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with Part 258; 2) changes to a limited part(s) of the State/Tribal permit program are needed to meet these requirements; and, 3) provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of Part 258. These requirements will address the potential problems posed by the dual State/Tribal and Federal regulatory controls following the October 9, 1993 effective date of the Federal regulations. On that date, Federal rules covering any portion of a State/Tribe's program that had not received EPA approval became enforceable through the citizen suit provisions of RCRA 7002. Owners and operators of MSWLFs subject to such dual programs must understand the applicable requirements and comply with them. In addition, those portions of the Federal program that are in effect must mesh well enough with the approved portions of the State/Tribal program to leave no significant gaps in

regulatory control of MSWLF's. Partial approval would allow the EPA to approve those provisions of the State/Tribal permit program that meet the requirements and provide the State/Tribe time to make necessary changes to the remaining portions of its program. As a result, owners/operators will be able to work with the State/Tribal permitting agency to take advantage of the Criteria's flexibility for those portions of the program which have been approved.

As provided in the October 9, 1991 municipal landfill rule, EPA's national Subtitle D standards took effect in October 1993 in any State/Tribe that lacks an approved program. Consequently, any remaining portions of the Federal Criteria which are not included in an approved State/Tribal program by October 1993 would apply directly to the owner/operator. On April 7, 1995, EPA issued a Federal Register Notice extending the effective date of the 40 CFR Part 258, subpart G requirements relating to Financial Assurance until April 9, 1997.

EPA intends to approve portions of State/Tribal MSWLF permit programs prior to the promulgation of the final STIR. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

EPA also is requesting States/Tribes seeking partial program approval to provide a schedule for the submittal of all remaining portions of their MSWLF permit programs. EPA notes that the proposed STIR makes submission of a schedule mandatory.

## B. State of West Virginia

In a letter dated June 17, 1994, WVDEP submitted a complete application to EPA Region III for a partial program adequacy determination. In response to EPA review comments on their application, WVDEP submitted additional information in letters dated April 10, 1995 and October 12, 1995. EPA reviewed WVDEP's application and this additional information and has tentatively determined that the following portions of the State's municipal solid waste landfill permitting program will ensure compliance with the revised Federal Criteria. EPA has also assessed the impact of the ruling in Federal District Court of West Virginia on September 28, 1995, in *Valero Terrestrial Corporation, et al. v. Callaghan*, Civil Action No. 5:93CV189 (N.D.W.V.), and the Court's subsequent clarification issued December 12, 1995, and has determined, in conjunction with the State, that the portions of the State's program proposed herein for approval by EPA have not been adversely impacted. Public comment is invited on this issue.

As noted in the detailed discussions which follow, portions of the West Virginia program currently fulfill the Federal requirements, and other portions will fulfill the Federal requirements after the State's revision of its guidelines and/or permit application forms, which they are required to complete prior to receiving final EPA partial approval. Lastly, portions of the West Virginia program which do not currently meet the Federal requirements and can only be revised through their regulation revision process, which includes State Legislature action, are not being proposed for EPA approval at this time. The State has committed to submitting an application for full program approval to EPA by September 1, 1996, after these regulatory changes have been made.

Portions of the West Virginia Program tentatively proposed for approval at this time:

### Subpart A—General

The existing WVDEP requirements fully comply with 40 CFR Sections 258.1, Purpose, Scope, and Applicability and 258.3, Consideration of other Federal laws.

### Subpart B—Location Restrictions

1. The existing WVDEP requirements fully comply with § 258.11, Floodplains; § 258.12, Wetlands; § 258.13, Fault Areas; and § 258.16, Closure of Existing MSWLF Units.

2. WVDEP permit application checklists and internal guidance will be revised to incorporate the requirements of § 258.10, Airport Safety; § 258.14, Seismic Impact Zones; and § 258.15, Unstable Areas.

### Subpart C—Operating Criteria

1. The existing WVDEP requirements fully comply with: § 258.20, Hazardous Waste Exclusion; § 258.21, Daily Cover; § 258.22, Disease Vectors Control; § 258.23, Explosive Gas Control; § 258.24, Air Criteria; § 258.25, Access requirements; § 258.26, Run-On/Run-Off Control Systems; § 258.27, Surface Water Requirements; and § 258.29, Recordkeeping Requirements.

2. WVDEP permit application checklists and internal guidance will be revised to incorporate the leachate recirculation restrictions of § 258.28, Liquids Restrictions.

### Subpart D—Landfill Design

1. WVDEP regulations now require, as a minimum, at all new MSW landfills and expansions to existing landfills, the bottom liner system described in 40 CFR 258.40 (b). This consists of a composite liner composed of an upper synthetic (plastic) component in direct contact with a lower component at least two feet thick made of compacted soil (clay). WVDEP also allows an alternate liner design. WVDEP permit application checklists and internal guidance will be revised to require applications requesting approval of any alternate liner design to demonstrate that they comply with the performance standards established in § 258.40 (a) and (c). WVDEP will require that conformance be demonstrated through the use of mathematical modeling, such as the Hydrologic Evaluation of Landfill Performance Model (HELP) and Multimedia Exposure Assessment Model (MULTIMED).

### Subpart E—Groundwater Monitoring and Corrective Action

1. The existing West Virginia requirements for groundwater sampling program are in need of substantial upgrading to meet the 40 CFR part 258 requirements. The primary deficiency is the need to require the extensive pollutant parameter coverage of Appendices I and II in 40 CFR part 258 in groundwater sampling programs. Existing WVDEP requirements meet the requirements of 40 CFR 258.50, Applicability, and § 258.56, Assessment of Corrective Measures.

2. WVDEP permit applications and/or guidelines will be revised to incorporate the requirements of 40 CFR 258.53, Groundwater Sampling and Analysis;

§ 258.57, Selection of Remedy; and § 258.58, Implementation of the Corrective Action Program.

### Subpart F—Closure and Post-Closure Care

1. Post-Closure Care Requirements (§ 258.61)—Existing West Virginia statute requires the Federal standard of a 30-year post-closure care period.

Not all existing States/Tribes permit programs ensure compliance with all provisions of the revised Federal Criteria. Were EPA to restrict a State/Tribe from submitting its application until it could ensure compliance with the entirety of 40 CFR Part 258, many States/Tribes would need to postpone obtaining approval of their permit programs for a significant period of time. This delay in determining the adequacy of the State/Tribal permit program, while the State/Tribe revises its statutes or regulations, could impose a substantial burden on owners and operators of landfills because the State/Tribe would be unable to exercise the flexibility available to States/Tribes with approved permit programs.

As State/Tribal regulations and statutes are amended to comply with the Federal MSWLF landfill regulations, unapproved portions of a partially approved MSWLF permit program may be approved by the EPA. The State/Tribe may submit an amended application to EPA for review, and an adequacy determination will be made using the same criteria used for the initial application. This adequacy determination will be published in the Federal Register which will summarize the Agency's decision and the portion(s) of the State/Tribal MSWLF permit program affected. It will also provide for a minimum 30 day public comment period. This future adequacy determination will become effective 60 days following publication if no adverse comments are received. If EPA receives adverse comments on its adequacy determination, another Federal Register notice will be published either affirming or reversing the initial decision while responding to the public comments.

To ensure compliance with all of the revised Federal Criteria and to obtain full EPA approval of its municipal solid waste landfill permitting program, the West Virginia Division of Environmental Protection must revise the following additional portions of its program:

1. Subpart A—General—Include the definitions listed in § 258.2, Definitions.

2. Subpart E—Groundwater Monitoring—Adopt the requirements of 40 CFR 258.51, Groundwater Monitoring Systems; § 258.54, Detection

Monitoring Program; and § 258.55, Assessment Monitoring Program.

3. Subpart F—Final Closure—Adopt the criteria in 40 CFR § 258.60, Closure Criteria, pertaining to the time allowed to apply the final cover.

4. Subpart G—Financial Assurance Criteria—The major revision needed in WVDEP's permitting requirements is its adoption of the 40 CFR Part 258 Financial Assurance requirements. This includes § 258.70, Applicability; § 258.71, Financial Assurance for Closure; § 258.72, Financial Assurance for Post-Closure Care; § 258.73, Financial Assurance for Corrective Action, and § 258.74, Allowable Mechanisms. Current WVDEP regulations contain neither the applicability nor scope of the Federal requirements. A statutory change in West Virginia law is needed to implement portions of this Federal criteria.

WVDEP has submitted a schedule indicating that it will commit to complete these above regulatory revisions by September 1, 1996. To allow West Virginia to begin exercising some of the flexibility allowed in States with adequate permit programs, EPA is proposing to approve now those portions of the WVDEP's program not required to need regulatory revision, and which therefore can be implemented prior to September 1996.

EPA reviewed the State's schedule and believes it is reasonable, considering the complexity of the rule changes, number of steps in the State rulemaking process, and the need for legislative action.

Comments are solicited on this tentative determination until April 30, 1996. Copies of WVDEP's application are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

EPA Region III will hold a public hearing if, and only if, requested (see DATES section of this notice) on this tentative decision, on April 30, 1996 from 7:00 p.m. to 10:00 pm at the Capital High School in Charleston, West Virginia. Comments can be submitted at the hearing, if held, as transcribed from oral comments presented, or in writing at the time of the hearing.

EPA will consider all written public comments on its tentative determination received during the public comment period, as well as those presented at the public hearing. Issues raised by those comments may be the basis for EPA's reconsideration of this tentative determination of adequacy for WVDEP's program. EPA will make a final decision on whether or not to approve WVDEP's program and will provide notice in the Federal Register. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of Section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR Part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this notice from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that according to EPA Headquarters this tentative approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This proposed notice, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of Sections 2002, 4005 and 4010(c) of the Solid Waste Disposal Act, as amended; 42 U.S.C. 6912, 6945 and 6949(a)(c).

Dated: February 28, 1996.  
Stanley L. Laskowski,  
Deputy Regional Administrator.  
[FR Doc. 96-5533 Filed 3-7-96; 8:45 am]

BILLING CODE 6560-50-P

[OPP-66222; FRL 5352-3]

## Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** In accordance with Section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

**DATES:** Unless a request is withdrawn by June 6, 1996, orders will be issued cancelling all of these registrations.

**FOR FURTHER INFORMATION CONTACT:** By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5761; e-mail: hollins.james@epamail.epa.gov.

### SUPPLEMENTARY INFORMATION:

#### I. Introduction

Section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, provides that a pesticide registrant may, at any time, request that any of its pesticide registrations be cancelled. The Act further provides that EPA must publish a notice of receipt of any such request in the Federal Register before acting on the request.

#### II. Intent to Cancel

This notice announces receipt by the Agency of requests to cancel some 26 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1.

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
000100 FL-80-0052	Aatrex 4I Brand Atrazine/season-Long Weed Cont. In Corn	2-Chloro-4-(ethylamino)-6-(isopropylamino)-s-triazine
000769-00958	Malathion 4 Pyrethrum 0.2 Dust	O,O-Dimethyl phosphorodithioate of diethylmercaptosuccinate Pyrethrins
000777-00055	Lysol Brand Pump Spray Disinfectant	Ethanol