1997. Those registered for the meeting will receive background materials prior to the meeting. Members of the public who cannot attend the meeting in person may participate via conference call and should register with the Safe Drinking Water Hotline as well. Members of the public who cannot participate via conference call or in person may submit comments in writing by July 10, 1997 to Sylvia Malm, at the U.S. Environmental Protection Agency, 401 M St., SW (4607), Washington, DC, 20460. The meeting will be held in Washington, DC. The address of the meeting site will be included with the background materials.

FOR FURTHER INFORMATION CONTACT: For general information on meeting logistics, please contact the Safe Drinking Water Hotline at 1–800–426–4791. For information on the activities related to developing the NPDWR for radon and other EPA activities under the Safe Drinking Water Act, contact the Safe Drinking Water Hotline at 1–800–426–4791. For information on radon in indoor air, contact the National Safety Council's National Radon Hotline at 1–800–SOS–RADON.

SUPPLEMENTARY INFORMATION:

A. Background

On July 18, 1991 (56 FR 33050), EPA proposed a Maximum Contaminant Level Goal (MCLG) and National Primary Drinking Water Regulation (NPDWR) for radon and other radionuclides in public water supplies. EPA proposed to regulate radon at 300 pCi/L. Commenters on the 1991 proposed NPDWR for radon raised several concerns, including cost of implementation, especially for small systems, and the larger risk to public health from radon in indoor air from soil under buildings.

On August 6, 1996, Congress passed amendments to the Safe Drinking Water Act (SDWA), which establishes a new charter for the nation's public water systems, States, and EPA in protecting the safety of drinking water. The amendments [§ 1412(b)(13)] direct EPA to develop an MCLG and NPDWR for radon. EPA is required to (1) Withdraw the 1991 proposed MCLG and NPDWR for radon-222; (2) arrange for the National Academy of Sciences (NAS) to conduct an independent risk assessment for radon in drinking water and an independent assessment of risk reduction benefits from various mitigation measures to reduce radon in indoor air; (3) publish a radon health risk reduction and cost analysis for possible radon Maximum Contaminant Levels (MCLs) for public comment by February, 1999; (4) propose an MCLG and NPDWR for radon by August, 1999; (5) publish a final MCLG and NPDWR for radon by August, 2000.

If the MCL is ''more stringent than necessary to reduce the contribution to radon in indoor air from drinking water to a concentration that is equivalent to the national average concentration of radon in outdoor air,'' EPA is also required to promulgate an alternative MCL and publish guidelines for state multimedia mitigation programs to mitigate radon levels in air. The alternative MCL would ''reduce the contribution from radon in water to radon in indoor air to a concentration that is equivalent to the national average concentration of radon in air.'' States may develop and submit to EPA for approval a multimedia mitigation program to mitigate radon levels in indoor air. EPA shall approve State multimedia mitigation programs if they are expected to achieve equivalent or greater health risk reduction benefits than compliance with the MCL. If EPA approves a State multimedia mitigation program, public water supply systems within the State may comply with the alternative MCL. If EPA does not approve a State program, or the State does not propose a program, public water supply systems may propose multimedia mitigation programs to EPA, under the same procedures outlined for States.

B. Request for Stakeholder Involvement

EPA is committed to proposing a timely NPDWR for radon that incorporates the best available science, treatment technologies, occurrence data, cost/benefit analyses, and stakeholder input on technical and implementation issues. EPA has evaluated comments on the 1991 proposed NPDWR for radon and will be considering those comments in developing the regulation.

The meeting will cover a broad range of issues including: (1) Radon in drinking water MCL development (treatment technologies, occurrence, analytical methods); (2) multimedia mitigation program; and (3) stakeholder involvement processes. Background materials on radon in drinking water issues will be sent to all registered participants in advance of the meeting. Issues for discussion and stakeholder input will be based on the materials provided and include (but may not be limited to) the following:

(1) Any new information or data;

(2) Issues and concerns related to rule development;

(3) Issues and concerns related to implementing a multimedia mitigation program from the perspective of your state, water systems, public health and safety organizations, environmental and public interest groups, and the public; and

(4) Recommendations on the most beneficial points in the process for stakeholder input and preferred approaches for stakeholder input.

EPA has announced this public meeting to hear the views of stakeholders on EPA's plans for activities to develop a NPDWR for radon. The public is invited to provide comments on the issues listed above and other issues related to the radon in drinking water regulation during the June 26, 1997 meeting or in writing by July 10, 1997.

Dated: May 15, 1997.

Richard Kuhlman,

Acting Director, Office of Ground Water and Drinking Water, Environmental Protection Agency.

[FR Doc. 97–13323 Filed 5–21–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 68

[FRL–5828–9]

List of Regulated Substances and Thresholds for Accidental Release Prevention; Proposed Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing modifications to the list of regulated substances and threshold quantities the accidental release prevention regulations authorized by section 112(r) of the Clean Air Act as amended. EPA is proposing to vacate the listing and related threshold for hydrochloric acid solutions with less than 37% concentrations of hydrogen chloride. The current listing and threshold for all other regulated substances, including hydrochloric acid solutions with 37% or greater concentrations and the listing and threshold for anhydrous hydrogen chloride, are unaffected by today's proposed amendment. Today's action implements, in part, a settlement agreement between EPA and the General Electric Company (GE) to resolve GE's petition for review of the rulemaking listing regulated substances and establishing thresholds under the accidental release prevention regulations.

DATES: Comments must be submitted on or before June 23, 1997, unless a hearing

is requested by June 2, 1997. If a hearing is requested, written comments must be received by July 7, 1997.

Public Hearing. Anyone requesting a public hearing must contact EPA no later than June 2, 1997. If a hearing is held, it will take place on June 6, 1997 at 9:30 a.m.

ADDRESSES: Comments should be mailed or submitted to: Environmental Protection Agency, Air Docket (6102), Attn: Docket No. A–97–28, Waterside Mall, 401 M St., SW, Washington, DC 20460. Comments must be submitted in duplicate. Comments may be submitted on disk in WordPerfect or Word formats. If a public hearing is held, written testimony should be submitted in duplicate at the time of the hearing.

Public Hearing. If a public hearing is held, it will be held at Waterside Mall, 401 M St., SW, Washington, DC 20460, in the Conference Center in a room to be designated. Persons interested in attending the hearing or wishing to present oral testimony should notify by telephone Dorothy McManus (see **FOR FURTHER INFORMATION CONTACT**).

Docket. The docket for this rulemaking is A–97–28. This proposed rule would amend a final rule, the docket for which is A–91–74. The docket may be inspected between 8 am and 5:30 pm, Monday through Friday at EPA's Air Docket, Room M1500, Waterside Mall, 401 M St., SW, Washington, DC 20460; telephone (202) 260–7548. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Prior to June 16, 1997, contact Dorothy McManus, Program Analyst, Chemical Emergency Preparedness and Prevention Office, Environmental Protection Agency, MC 5104, 401 M St., SW, Washington, DC 20460, (202) 260–8606. After June 16, 1997, contact Vanessa Rodriguez, Chemical Engineer, Chemical Emergency Preparedness and Prevention Office, Environmental Protection Agency, MC 5104, 401 M St., SW, Washington, DC 20460, (202) 260–7913.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially affected by this action include the following types of facilities if the facility has more than the 15,000 pound threshold quantity of hydrochloric acid solutions with concentrations of less than 37% hydrogen chloride.

Category	Example of regulated entities
Chemical manufacturers.	Industrial inorganics.
Petrochemical	Plastics and resins.
Other manufacturers.	Pulp and paper mills, primary metal production, fabricated metal products, electronic and other electric equipment, transportation equipment, industrial machinery and equipment, food processors.
Wholesalers ..	Chemical distributors.
Federal sources.	Defense and energy installations.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists types of entities that the EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could be affected. To determine whether your facility is affected by this action, you should carefully examine today's notice. 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.

The following outline is provided to aid in reading this preamble to the proposed rule:

Table of Contents

I. Introduction and Background

A. Statutory Authority

This notice of proposed rulemaking (NPRM) is being issued under sections 112(r) and 301 of the Clean Air Act (Act) as amended.

B. Regulatory History

The Clean Air Act (CAA or Act), section 112(r), contains requirements related to prevention of accidental releases. The goal of the accidental release provisions is to prevent accidental releases and minimize the consequences of releases by focusing on those chemicals and operations that pose the greatest risk. The CAA requires EPA to promulgate an initial list of at least 100 substances (''regulated substances'') that, in the event of an accidental release, are known to cause or may be reasonably expected to cause death, injury, or serious adverse effects to human health and the environment. The Act identifies 16 substances to be included in the initial list. Factors required to be considered in listing substances are the severity of acute adverse health effects associated with accidental releases of the substance, the likelihood of accidental releases of the substance, and the potential magnitude of human exposure to accidental releases of the substance. The CAA also requires EPA to establish a threshold quantity for each chemical at the time of listing. In developing these thresholds, factors required to be considered include toxicity, reactivity, volatility, dispersibility, combustibility, or flammability of the substance and the amount of the substance which is known to cause or can be reasonably anticipated to cause death, injury, or serious adverse effects in case of a release. Stationary sources that have more than a threshold quantity of a regulated substance are subject to accident prevention regulations promulgated under CAA section 112(r)(7), including the requirement to develop risk management plans.

On January 31, 1994, EPA promulgated the list of regulated substances and thresholds that identify stationary sources subject to the accidental release prevention regulations (59 FR 4478) (the ''List Rule''). EPA subsequently promulgated a rule requiring owners and operators of these stationary sources to develop programs addressing accidental releases and to make publicly available risk management plans (''RMPs'') summarizing these programs. (61 FR 31668, June 20, 1996) (the ''RMP Rule''). On April 15, 1996, EPA proposed amendments to the List Rule (61 FR 16598) and on June 20, 1996, stayed certain provisions of the list and threshold regulations affected by the proposed amendments (61 FR 31730). For further information on these regulations, section 112(r), and related statutory provisions, see these notices. These rules can be found in 40 CFR part 68, ''Chemical Accident Prevention Provisions,'' and collectively are referred to as the accidental release prevention regulations.

In the List Rule, EPA promulgated a list that includes 77 acutely toxic substances, 63 flammable gases and volatile flammable liquids, and Division 1.1 high explosive substances as listed by the United States Department of Transportation (DOT) in 49 CFR 172.101. The final rule established

threshold quantities for toxic substances ranging from 500 to 20,000 pounds, as well as thresholds for regulated flammable substances (10,000 pounds) and explosive substances (5,000 pounds). The rule also specified the requirements for any petitions to the Agency requesting to add substances to, or delete substances from, the list.

In considering the statutory criteria for listing regulated substances discussed above, EPA selected commercially produced acutely toxic and volatile substances mostly from the list of extremely hazardous substances (EHSs) under section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA chose volatile substances because they are more likely to become airborne and impact the public. EPA also considered the accident history of substances. Because vapor cloud explosions and blast waves from detonations of high explosives have caused injuries to the public and damage to the environment, EPA also included highly flammable gases and liquids and high explosives on the list.

C. List Rule Litigation

The American Petroleum Institute (API), the Institute of Makers of Explosives (IME), and the General Electric Company (GE) filed petitions for judicial review of the List Rule (American Petroleum Institute v. EPA, No. 94–1273 (D.C. Cir.) and consolidated cases). The API and IME petitions for review focused primarily on issues related to the regulation of flammable and explosive substances. EPA, API, and IME signed settlement agreements in March 1996 that, when fully implemented, will resolve these two cases. Consistent with these settlements, EPA proposed amendments to the List Rule on April 15, 1996 (61 FR 16598). Furthermore, on June 20, 1996, EPA promulgated a stay of certain provisions of the List Rule that were affected by the proposed amendments (61 FR 31730). The effect of the stay is to provide sources affected by the proposed amendments the same amount of time to meet the requirements of the accident prevention regulations as other sources not affected by the proposal in the event that EPA ultimately decides not to promulgate the amendments as proposed. EPA anticipates final action on the API/IME related amendments by December 20, 1997, which is the date on which the stay is scheduled to expire.

The GE petition for review raised issues regarding EPA's listing criteria under the List Rule, the listing of certain substances in the List Rule, the setting of threshold quantities for certain substances in particular and all regulated toxic substances generally, and the petition process for adding and deleting regulated substances to the list. GE identified as ''[t]he crux of the dispute * * * the legality and propriety of including solutions of hydrochloric acid at 30% or greater on the list of regulated substances,'' and challenged the adequacy of the administrative record support for both the listing and the 15,000 pound threshold for such solutions (see GE Status Report of January 27, 1997, page 2, and the settlement agreement between GE and EPA, page 1, both of which are in the docket for today's proposed rule). While neither GE nor EPA conceded the correctness of the opposing party's position on any of the issues raised by GE, both parties recognized that there were substantial and material issues regarding the support in the administrative record for the listing of concentrations of hydrochloric acid up to 37% hydrogen chloride. Recognizing that the public's interest would best be served by settlement of all issues raised in this litigation, GE and EPA agreed to a settlement on April 7, 1997. Under the terms of the settlement agreement, EPA would propose to vacate provisions of the accidental release prevention regulations that specifically address hydrochloric acid solutions with less than 37% hydrogen chloride. On April 24, 1997, EPA made available for public comment under CAA section 113(g) the proposed settlement agreement with GE (62 FR 20007).

II. Discussion of Proposed Modifications

A. Rationale for Vacating 30% to 37% Solutions

In the above-described litigation, GE raised substantial concerns regarding whether the administrative record for the List Rule supports the listing of Hydrochloric Acid solutions at 30% hydrogen chloride concentrations. Among other issues, GE has questioned whether the listing criteria EPA used to list such solutions appropriately characterize these solutions' potential magnitude of human exposure and has challenged the methodology used to assign such solutions a 15,000 pound threshold. As discussed below, EPA believes that the concerns discussed above warrant vacating the listing of hydrochloric acid solutions of less than 37% (i.e., from 30% inclusive, up to but not including 37%).

It is unlikely that the GE challenge to hydrochloric acid and all other chemicals and thresholds established in the List Rule would be resolved much sooner than 1998 if the parties were to brief and litigate this case. As with any litigation, there is uncertainty about the outcome of this case. In the event that the litigation proceeded and the Court required EPA to conduct further rulemaking concerning aspects of the List Rule, additional time would lapse before EPA could complete such actions. In that situation, the RMP Rule's June 21, 1999, compliance date potentially could be impacted not only for the solutions proposed to be delisted today, but also for other regulated substances that are not affected by today's proposal.

Today's action addresses the essential element of the dispute between EPA and GE while eliminating the collateral uncertainty that would exist about the regulatory status of the remaining chemicals if the litigation proceeded. EPA has vigorously advocated responsible accident prevention efforts by industry even before enactment of section 112(r). The Agency is concerned that prolonging this dispute may encourage owners and operators of sources who are solely concerned about regulatory compliance to defer engaging in responsible accident prevention activities. By implementing the settlement agreement with GE and by implementing the settlement agreements reached in the other two challenges to the List Rule, EPA will be able to retain on the list of regulated substances nearly all of the chemicals originally listed and eliminate uncertainty about their regulatory status.

EPA believes today's proposed rule is protective of the public health in several respects. First, the proposed rule would allow the listing of hydrochloric acid solutions to remain in effect for solutions with concentrations of 37% or greater. Relative to the solutions proposed to be vacated, the solutions that will remain listed have a higher partial pressure of hydrogen chloride, which may indicate a greater capacity to release hydrogen chloride and have hydrogen chloride affect offsite communities. Second, the types of solutions that remain regulated are prevalent in commerce. Third, as has been explained by EPA in rulemakings and other interpretations, the presence or absence of a chemical on the list of regulated substances in no way affects the applicability of section 112(r)(1), the general duty clause, to substances that are extremely hazardous in fact (see, for example, 59 FR at 4481; and *Risk Management Program Rule: Summary and Response to Comments,* section 32, Docket A–91–73, entry IX–C–01). The general duty clause creates a duty for the owner or operator of a stationary

source ''in the same manner and to the same extent as'' the general duty provision under the Occupational Safety and Health Act ''to identify hazards which may result from [accidental] releases using appropriate hazard assessment techniques, to design and maintain a safe facility, and to minimize the consequences of accidental releases which do occur'' (CAA section 112(r)(1)). The general duty clause provides an important level of protection of the public health for substances that are extremely hazardous in fact regardless of whether they are listed.

Finally, EPA wishes to clarify that this proposed rule would not affect in any way the listing of anhydrous hydrogen chloride. Anhydrous hydrogen chloride would retain its 5000 pound threshold. Threshold determination provisions for regulated toxic substances would apply to anhydrous hydrogen chloride. Anhydrous mixtures of Hydrogen Chloride would be subject to the mixture provisions for regulated toxic substances. Aqueous mixtures of hydrochloric acid would be affected to the extent that the minimum concentration cutoff would be revised.

Based on the reasons discussed above, EPA is proposing to vacate the listing in part 68 of hydrochloric acid solutions at concentrations of less than 37% (from 30% up to 37%) hydrogen chloride. Solutions of 37% or greater would not be affected by today's proposal and remain on the list. In addition, EPA is proposing to vacate other provisions of the accidental release prevention regulations insofar as they apply to hydrochloric acid solutions at concentrations less than 37% hydrogen chloride. For example, the reference to ''hydrochloric acid (conc 30% or greater)'' in the toxic endpoint table for 40 CFR part 68 would be revised to refer to concentrations of 37% or greater.

EPA recognizes that there will be uncertainty for owners and operators of stationary sources as to the regulatory status of 30% to 37% solutions until EPA takes final action on today's proposal. Such uncertainty is likely to impact compliance planning for processes subject to the accidental release prevention regulations. Therefore, EPA is proposing that if EPA does not issue a final rule vacating the listing of hydrochloric acid solutions with less than 37% concentrations and related part 68 provisions, EPA will extend the June 21, 1999 RMP Rule compliance deadline for such solutions by no less than the amount of time that elapses from April 7, 1997, to 180 days following the publication of a final action that declines to vacate the listing of hydrochloric acid solutions with less than 37% concentrations and related portions of part 68. For example, if such a notice were published on September 4, 1997, which is 150 days after April 7, 1997, then the compliance deadline applicable to 30% to 37% solutions would be extended 330 days from June 21, 1999, to May 16, 2000.

B. Potential Future Actions Affecting Hydrochloric Acid

EPA notes that it is required by statute to review its list at least every five years (section 112(r)(3)). Therefore, EPA will need to address the appropriate concentration for the hydrochloric acid listing no later than the time it performs this review. A future rulemaking will provide an opportunity to more fully explain the basis for the listing, including any issues peculiar to hydrochloric acid solutions. For example, EPA anticipates it would address matters such as any new accident history data involving solutions in the 30% to 37% range as well as any substance-specific technical issues regarding such a listing.

EPA is not at this time reopening the rulemaking record on the listing of hydrochloric acid solutions within the range of 30% to 37%. Any subsequent action to list solutions at concentrations within the 30% to 37% range will be taken only after a new notice of proposed rulemaking and an opportunity for interested parties to comment. In the event that EPA proceeds to relist, stationary sources would have no less than three years to comply with the RMP Rule following promulgation of a final rule listing hydrochloric acid solutions at concentrations within this range.

III. Discussion of the Proposed Rule

EPA is proposing to amend several sections of part 68 of title 40 of the Code of Federal Regulations.

In § 68.130, tables 1 and 2, the listing for Hydrochloric Acid would be revised to read ''Hydrochloric Acid (conc 37% or greater).'' In addition, note ''d'' from Table 1 would be added to Table 2, from which it was inadvertently omitted when the list rule was promulgated. Note ''d'' would apply to only hydrochloric acid with concentrations 37% or greater when this action is finalized.

In part 68, Appendix A, the table of toxic endpoints, the entry for hydrochloric acid would be revised to read ''Hydrochloric Acid (conc 37% or greater).''

IV. Required Analyses

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must judge whether the regulatory action is ''significant,'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal government or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this proposed rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and, therefore, is not subject to OMB review.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule would not have a significant impact on a substantial number of small entities because it would, if adopted as a final rule, reduce the range of hydrochloric acid solutions listed under part 68 and thus reduce the number of stationary sources subject to part 68. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

This proposed rule does not include any information collection requirements for OMB to review under the provisions of the Paperwork Reduction Act.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Today's proposed rule, if adopted, would reduce the number of sources subject to part 68. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. For the same reason, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

List of Subjects in 40 CFR Part 68

Environmental protection, Chemicals, Chemical accident prevention, Extremely hazardous substances, Incorporation by reference, Intergovernmental relations, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 16, 1997.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, subchapter C, part 68 of the Code of Federal Regulations is proposed to be amended as follows:

PART 68—CHEMICAL ACCIDENT PREVENTION PROVISIONS

1. The authority citation for part 68 continues to read as follows:

Authority: 42 U.S.C. 7412(r), 7601(a)(1), 7661–7661f.

§ 68.130 Tables 1 and 2 [Amended]

2. In § 68.130 List of substances, Table 1 is proposed to be amended by revising the listing in the column ''Chemical name'' from ''Hydrochloric acid (conc 30% or greater)'' to ''Hydrochloric acid (conc 37% or greater).''

3. In § 68.130 List of substances, Table 2 is proposed to be amended by revising the listing in the column ''Chemical name'' from ''Hydrochloric acid (conc 30% or greater)'' to ''Hydrochloric acid (conc 37% or greater),'' and by adding a note ''d'' between note ''c'' and ''e'' at the end of the table to read as follows:

d Toxicity of hydrogen chloride, potential to release hydrogen chloride, and history of accidents.

Appendix A of Part 68 [Amended]

4. Appendix A of Part 68 is proposed to be amended by revising the listing in the column ''Chemical name'' from ''Hydrochloric acid (conc 30% or greater)'' ''Hydrochloric acid (conc 37% or greater).''

[FR Doc. 97–13483 Filed 5–21–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[FRL–5829–1]

Notification of Completeness of the Department of Energy's Compliance Certification Application for the Waste Isolation Pilot Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking; notification of completeness of compliance certification application.

SUMMARY: The Environmental Protection Agency (EPA) has determined that the Department of Energy's (DOE) Compliance Certification Application (CCA) for the Waste Isolation Pilot Plant (WIPP) is complete. The Administrator of the EPA provided written notice of the completeness decision to the Secretary of Energy on May 16, 1997. The text of the letter is contained in the **SUPPLEMENTARY INFORMATION.**

EPA has determined that the CCA is complete in accordance with 40 CFR Part 194, ''Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's Compliance with the 40 CFR Part 191 Disposal Regulations'' (Compliance Certification Criteria). The completeness determination is an interim preliminary administrative step in the certification rulemaking for WIPP that is required by regulation, and does not imply in any way that the CCA demonstrates compliance with the Compliance Criteria and/or the Disposal Regulations.

ADDRESSES: Written comments should be submitted, in duplicate, to: Docket No. A–93–02, Air Docket, Room M–1500 (LE–131), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460.

FOR FURTHER INFORMATION CONTACT: Mary Kruger or Scott Monroe; telephone number: (202)233–9310; address: Radiation Protection Division, Mail Code 6602J, U.S. Environmental Protection Agency, Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

Background

The Waste Isolation Pilot Plant (WIPP) was authorized in 1980, under section 213 of the Department of Energy (DOE) National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96–164, 93 Stat. 1259, 1265). The WIPP is being constructed by the DOE near Carlsbad, New Mexico, as a potential repository for the safe disposal of transuranic radioactive waste.

The 1992 WIPP Land Withdrawal Act, as amended (Pub. L. 102–579) requires EPA to evaluate and certify whether the WIPP will comply with subparts B and C of 40 CFR part 191—known as the ''disposal regulations''—and to issue or deny a certification of compliance. The Department of Energy is required to submit an application to EPA that will be the basis of EPA's evaluation of whether a certification of the WIPP's compliance with the disposal