

US EPA ARCHIVE DOCUMENT

regulations, Lead, Reporting and recordkeeping, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 22, 1995.

Jane N. Saginaw,

Regional Administrator (6A).

[FR Doc. 95-5345 Filed 3-6-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 70

[AD-FRL-5166-4]

Clean Air Act Proposed Approval Of Operating Permits Program; State of Nebraska and the City of Omaha

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes full approval of the Operating Permit Programs submitted by the state of Nebraska and city of Omaha for the purpose of complying with Federal requirements which mandate that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

DATES: Comments on this proposed action must be received in writing by April 6, 1995.

ADDRESSES Comments should be addressed to Christopher D. Hess at the address below. Copies of the submittal and other supporting information used in developing the proposed rule are available for inspection during normal business hours by contacting: Christopher D. Hess, Environmental Protection Agency, Air Branch; 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551-7213.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under Title V of the Clean Air Act ("the Act") as amended (1990), EPA has promulgated rules which define the minimum elements of an approvable state operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of state operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) Part 70. Title V requires states to develop, and submit to EPA, programs for issuing these operating permits to all major

stationary sources and to certain other sources.

The Act requires that states develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act which outlines criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of Part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by two years after the November 15, 1993, date, or by the end of an interim program, it must establish and implement a Federal program.

II. Proposed Action and Implications

A. Analysis of Submission by State and Local Authority

Introduction. What follows are brief explanations indicating how the submittals meet the requirements of Part 70. The reader may consult the Technical Support Document (TSD) for a more detailed explanation of these topics.

1. Support Materials

(1) Governor's Letter. The state of Nebraska has requested approval of its Title V program. Additionally, the state designated its two local agencies to administer independent Title V programs and have requested approval on their behalf. Thus, this action also applies to the city of Omaha's Title V program. The Lincoln-Lancaster County Health Department (LLCHD) is addressed in a separate rulemaking action. The entire geography of Nebraska will be covered by either the state or an approved local program. The EPA will retain responsibility for the Title V program on tribal lands in Nebraska. These actions fulfill the requirements of part 70.4(b).

(2) Regulations. The basic regulatory framework for the operating permit program is Title 129 Nebraska Air Quality Regulations. The state's submittal includes a demonstration of the public review and hearing process involved with the adoption of Title 129. The city of Omaha has adopted these regulations by reference and provided adequate demonstration of the required legal authority and public review process. Both programs also use the Nebraska Environmental Protection Act and Title 115 Rules of Practice and Procedure.

The initial submittal contained an inadequate definition of "applicable

requirements" that limited the ability to include all requirements in the operating permit. This is because the initial definition stated that "applicable requirements" were only those adopted by the state's Environmental Quality Council. However, in response to EPA comments, the state modified the regulations in December 1994, so that Nebraska can require that all "applicable requirements" of the Clean Air Act will be addressed in the permit process.

As a result, the submittal (as modified) does not identify any regulatory provisions which would restrict operation of the program.

(3) Attorney General's Legal Opinion. The opinion contains the elements required by 40 CFR 70.4(b)(3) and demonstrates that there is adequate authority to meet all Title V requirements. The city of Omaha's legal opinion incorporates the state's by reference and also provides adequate legal authority.

2. Implementation

(1) Program Description. A comprehensive plan for implementing the Title V program was included in each submittal that meets the requirements of 40 CFR 70.4(b)(1). Each plan identifies appropriate program authority, agency organization, and staffing. A combination of approximately 244 major sources have been identified that will require a Title V permit within both programs' jurisdictions.

These programs have also identified adequate procedures for the permit application and review process, including inspection and enforcement provisions. The EPA has determined the outlined processes are sufficient to ensure effective implementation of the program. An implementation agreement was not included in either submittal, but the EPA is encouraging its development in anticipation of program approval.

With respect to the operating permit fee, the city of Omaha has selected the presumptive minimum plus consumer price index (CPI), currently \$30.07. The state has selected a fee above this amount at \$30.69. These fees will be discussed further under the fee demonstration section (II., 3.). Both programs will maintain a Class II program for minor, non-Title V sources.

(2) Program Implementation. Each program is establishing a permit registry to ensure issuing one-third of all permits in the first year of the program. This registry also includes a provision to review permit applications within nine months of receipt for those sources

of hazardous air pollutants participating in the early reduction program under section 112(i)(5) of the Act.

In terms of initial permit applications, adequate procedures are outlined to satisfy Part 70 requirements. The application process includes affected state and EPA review. Each program's procedures and guidance are designed to ensure that a permit is issued within 18 months of application.

Both programs have established criteria for monitoring source compliance which include compliance inspections, citizen complaint responses, follow-up inspections, and permit application review. Each Title V source will be inspected at least once per year. Surveillance through monitoring will also be conducted to ensure compliance.

(3) Personnel. Each submittal includes a workload analysis estimating the number of personnel needed for the Title V program. Since both the state and the city of Omaha have selected a fee equal to or greater than the \$25 plus CPI as outlined in Part 70, EPA is presuming that the requirements of § 70.9(b)(1) are met with respect to personnel. Either agency could be required to provide additional analysis if comments are received that propose to rebut the presumption of this Part 70 provision in accordance with § 70.9(5)(ii).

(4) Data Management. All permit application information will be entered into the state's computer data base and be submitted to the EPA. The proposed permits will be made available for EPA review. A permit decision schedule will ensure that a permit is issued within 18 months of initial application.

Each program requires the retention of permit information by the source for five years. Additionally, each agency has committed to maintain records for five years in its respective program descriptions.

(5) Applicability Provisions. These programs provide for permitting of all major sources, affected sources, sources that opt to apply for a permit, and all sources subject to sections 111 or 112 standards (new source performance standards and standards for hazardous air pollutants).

Both the state and the city of Omaha exempt sources that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act. This exemption is allowed by § 70.3(b)(1) until the Administrator completes a rulemaking to determine how the program should be structured for nonmajor sources.

Since the city of Omaha has incorporated the state's rules by reference, the above-mentioned items apply to that local Title V program as well.

(6) Permit Content. Nebraska's regulations require Title V permits to include Part 70 terms and conditions for all applicable requirements. These rules also stipulate that the duration of the permit will be specified in the permit. Both programs also provide for the inclusion of enhanced monitoring in permits.

Title 129 requires the permit to contain a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act as required by § 70.6(a)(4). The regulations also meet the requirements of § 70.6(a)(5), § 70.6(a)(6), § 70.6(a)(7), and § 70.6(a)(8). Part 70 also requires terms and conditions for reasonably anticipated operating scenarios to be included in the permit. Title 129 requires that the terms and conditions of each alternative scenario meet all the requirements of Part 70. Section 70.6(a)(10) requires the permit to contain terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases at the facility. Title 129 fulfills this requirement.

Part 70 also has requirements for the terms and conditions in a Part 70 permit at § 70.6(b), compliance requirements at § 70.6(c), and emergency provisions at § 70.6(g). Title 129 complies with these requirements.

Both programs provide for general permits. The director will identify criteria by which sources may qualify for the general permit as required by § 70.6(d)(1).

The permitting program can also have provisions for permitting temporary sources and for permit shields. Title 129 has both of these options and meets the requirements of Part 70. Title 129 also provides for operational flexibility and closely follows EPA's requirements.

The program does make provision to exempt the listing of insignificant activities in permit applications. The state has submitted a list to EPA that was adopted in December 1994. This list will be used by the city of Omaha as well.

(7) Permit Applications. Title 129 addresses permit application requirements in Chapters 5 and 7. Within these rules adequate procedures are outlined for the following: duty to apply, complete applications, confidential information, correcting a permit application, standard forms, and compliance certification. A detailed analysis of how the submittal meets

these Part 70 requirements is included in the TSD.

(8) Permit Issuance. Title 129 satisfies both the complete and timely component of section 503 of the Act and 40 CFR 70.5(a). Sources are required to submit permit applications within 12 months after becoming subject to the permit program, or on or before some earlier date established under the state operating permit registry. Source permit applications must conform to the standard application forms developed by each of the respective agencies. These applications must contain information sufficient to determine all applicable requirements with respect to the applicant. Both submittals demonstrate that a source will receive a completeness determination within 30 days.

Both programs also require that final action be taken on complete applications within 18 months of submittal of a complete application, except for initial permit applications which are subject to the three-year transition plan set forth by the Clean Air Act Amendments of 1990. Title 129 requires compliance with public participation procedures, notification to affected states, compliance with all applicable requirements, and allows for a 45-day period for EPA objection.

The regulations provide for priority on applications for construction or modification under an EPA approved preconstruction review program. The operating permit regulations do not affect the requirement that any source have a preconstruction permit under an EPA-approved preconstruction review. The programs also provide that permits being renewed are subject to the same procedural requirements, including those for public participation and affected state and EPA review, that apply to initial permit issuance. Title 129 provides for administrative amendments which meet the requirements of the Federal rule.

Permit modification processing procedures are equivalent to Federal requirements as they provide for the same degree of permitting authority, EPA, and affected state review and public participation. The program satisfies all of the Federal minor permit modification procedures.

The programs provide for promptly sending to EPA any notice that either agency refuses to accept all recommendations of an affected state regarding a proposed minor permit modification. In addition, the programs provide that the permitting authority may approve, but may not issue, a final permit modification until after EPA's 45-day review period or until the EPA

has notified the permitting authority that the EPA will not object to issuance, whichever is first.

Title 129 provides for minor permit modification group processing which meets the Federal criteria. Specifically, any application for group processing must meet permit application requirements similar to those outlined in section 70.7(e)(3). The state's rules also provides for notifying the EPA and affected states of the requested permit modification within five working days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level.

Significant modification procedures are defined in a manner that parallels Federal provisions. Each agency's program description provides for completion of review of the majority of significant permit modifications within nine months after receipt of a complete application.

a. Permit reopenings. A permit is to be reopened and revised when additional applicable requirements become applicable to a major source with a remaining permit term of three or more years, and such a reopening is to be completed within 18 months after promulgation of the applicable requirement. In addition, the proceedings to reopen a permit will follow the same procedures that apply to initial issuance, will affect only those parts of the permit for which cause to reopen exists, and will ensure reopenings are made as expeditiously as practicable. The rule provides that at least 30 days' advance notice must be given to the permittee for reopenings, and that notice will be given of the intent to reopen the permit.

b. Off-permit revisions. Both the state and city of Omaha have elected to not allow off-permit activities.

(9) Compliance Tracking and Enforcement. The requirement for proposed compliance tracking and enforcement reporting has been met by both programs. Omaha will provide enforcement information to the state monthly. The state will then enter information for both agencies into the Aerometric Information Retrieval System. The proposed enforcement program will consist of source inspection, surveillance, response to complaints, permit application review, and enforcement responses. Proposed enforcement responses include permit modification, permit revocation, stipulation, administrative orders, injunctive relief, civil/criminal referral, and referral to the EPA.

(10) Public Participation, EPA and Affected States Review. Both programs

ensure that all permit applications are available to the public. All requirements are included to ensure that each concerned citizen will be aware of proposed and final permit actions. This includes the commitment to keep a record of proceedings that will allow citizens to object to a permit up to 60 days after the EPA review period.

Title 129 contains rules that ensure mutual review by affected states and the EPA. Neither the state nor city of Omaha will issue a permit when it is objected to in accordance with § 70.8(c).

3. Fee Demonstration

The city of Omaha has elected to collect the presumptive minimum plus CPI in accordance with Part 70 to cover direct and indirect costs of developing and administering its program. The state has selected a fee in the amount of \$30.69 which is above the presumptive.

Each program is also required to demonstrate that fees collected under Title V will be used exclusively for the purpose of Title V. This is addressed by the state in Nebraska statute 81.1505.01, which states that any Title V fees collected will be deposited into a designated account with the State Treasurer. Furthermore, in 81.105.04 the State Legislature's Appropriations Committee will conduct an annual review to ensure that all funds have been accounted for appropriately. Omaha has established a separate accounting structure exclusively for Title V.

Part 70 also requires permitting authorities to submit periodic accounting reports to EPA. Upon further guidance by EPA, both agencies will be requested to submit these reports.

Each submittal included an inventory of sources and the amount of fees that it expects to collect in the first year from each source as part of their fee demonstration. The state anticipates approximately \$1,765,530 and the city of Omaha anticipates \$419,957. Each agency submitted year-to-year estimates of resources by major activities which adequately satisfies the four-year projection.

4. Provisions Implementing the Requirements of Other Titles of the Act

(1) Acid rain. The legal requirements for an approval under the Title V operating permits program for a Title IV program were cited in guidance distributed on May 21, 1993, entitled "Title V—Title IV Interface Guidance for States." Each program has met the five major criteria of this guidance which include legal authority, regulatory authority, forms, regulatory revisions, and a commitment to acid

rain deadlines. 40 CFR part 72 is adopted by reference.

(2) Section 112. The specific Title V program approval criteria with respect to section 112 provisions are enumerated in a memorandum from John Seitz, Office of Air Quality Planning and Standards, dated April 13, 1993. The state and city of Omaha have met these criteria as described in the following topics:

a. Section 112(d), (f), and (h).—EPA Emissions Standards. Chapter 8 of Title 129 requires each permit to specify emission limitations and standards, including those operational requirements and limitations that ensure compliance with all requirements applicable at the time of permit issuance. If any applicable requirements have been promulgated at the Federal level, but not yet adopted by the state or Council, the director has specific regulatory authority to insert these applicable requirements into a permit on a case-by-case basis. Chapter 15 requires a permit to be reopened if a source becomes subject to an additional applicable requirement and has a remaining permit term of three years or more.

b. General Provisions. The Seitz memorandum notes that the implementation of all current National Emission Standards for Hazardous Air Pollutants standards and future Maximum Achievable Control Technology (MACT) standards includes the implementation of any "general provisions" that EPA develops for these standards. Initial Title V approval must ensure that states will carry out these provisions as in effect at the time of any permit issuance or revisions. The EPA promulgated the general provisions in 40 CFR part 63, Subpart A on March 19, 1994 (59 FR 12407). The state and city of Omaha intend to adopt all applicable requirements. EPA thus considers that both programs have met this requirement.

c. Section 112 (g)—Case-by-Case MACT For Modified/Constructed and Reconstructed Major Toxic Sources. Both programs propose to require best available control technology for new and modified sources of air toxics. In the absence of any EPA guidance/regulations defining case-by-case MACT procedures and methods for determining agency equivalency of Federal requirements at the time of agency program submittal, the respective submissions are adequate for the interim. Each agency intends to adopt Federal air toxic regulations expeditiously.

d. Section 112 (i)(5)—Early Reductions. Both programs have

adequate provisions for implementation of this program by adopting by reference 40 CFR part 63, Subpart D, early reduction compliance extension rules, promulgated in the Federal Register on December 29, 1992. To date, no source in either agency's area has made a commitment to participate in the early reductions program. Title 129 provides for incorporating alternative emission limits into permits.

e. Section 112(j)—Case-by-case MACT Hammer. Both agencies' intend to make case-by-case MACT determinations and to issue permits to subject sources in accordance with the 112(j) requirements. Title 129, Chapter 7 requires newly subject sources to file a permit application within 12 months of first becoming operational or otherwise subject to the title V program. This rule further requires sources subject to Chapter 28 (MACT) to submit a permit application within 12 months of becoming operational. The agencies would make their case-by-case MACT determination after receipt of the permit application and prior to permit issuance.

f. Section 112(l)—State Air Toxics Programs. The EPA intends to delegate authority for existing section 112 standards under the authority of section 112(l) concurrent with approval of the title V program. Both the state and city of Omaha have requested delegation of future 112 standards/rules in accordance with the adoption-by-reference procedures in 40 CFR Part 63, Subpart E, section 63.91. Since section 112(i) (the early reduction rule) has already been adopted by reference in Title 129, the EPA anticipates delegating this rule concurrent with title V approval.

g. Section 112(r)—Accidental Release Plans. Title 129 provides for the section 112(r) requirements in Chapter 8. The permit of a source subject to the requirements of section 112(r) will contain a requirement to register the plan, verification of plan preparation and submittal to the permitting agency, the state Emergency Response Commission, and any local emergency planning committee; and will require an annual certification in accordance with Chapter 7, that the risk management plan is being properly implemented.

The permit application requires a schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Requirements for a compliance schedule are listed in Chapter 8.

B. Options for Approval/Disapproval and Implications

The EPA is proposing full approval of the operating permits program submitted to EPA for the state of Nebraska and city of Omaha on November 15, 1993. Both of these agencies have demonstrated that their programs will be adequate to meet the minimum elements of an operating permits program as specified in 40 CFR part 70.

Prior to the EPA taking final action on these programs, the state is required to officially submit the December 2, 1994 amendments to title 129 and the city of Omaha must incorporate these amendments by reference and submit them to the EPA. As noted, the EPA has reviewed these rule amendments and considers them adequate for the title V program.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) approval requirements for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the state and local program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 of each program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated, and to delegate existing standards under 40 CFR parts 61 and 63 for Part 70 sources. Both agencies have informed EPA that they intend to accept delegation of section 112 standards through the adoption by reference mechanism. This program for delegations applies to both existing and future standards for part 70 sources.

Additionally, both agencies have requested delegation of current and future section 112 standards under section 112(l)(5) and 40 CFR 63.91 for sources not subject to Part 70 requirements. Both have demonstrated broad legal authority which covers all section 112 sources, and both have demonstrated they have adequate resources to implement current section 112 standards. With respect to future section 112 requirements, both have committed to provide EPA with future demonstrations of resource adequacy as necessary when new requirements are promulgated and the resource burdens associated with those requirements become known. Both have demonstrated that they will expeditiously implement section 112 requirements for these

sources pursuant to a schedule after EPA promulgation, and that they have sufficient enforcement authority to adequately enforce section 112 requirements for all sources.

Therefore, for sources not subject to part 70 requirements, EPA is proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 the state and Omaha's program for receiving delegation of future section 112 standards that are unchanged from federal standards as promulgated, and to delegate existing standards under 40 CFR parts 61 and 63 for non-Part 70 sources.

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed rule. Copies of either submittal and other information relied upon for the proposed interim approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed rulemaking. The principal purposes of the docket are:

1. To allow interested parties a means to identify and locate documents for participating in the rulemaking process, and
2. To serve as the record in case of judicial review. The EPA will consider any comments received by April 6, 1995.

B. Executive Order 12866

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

C. Paperwork Reduction Act

Under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), Federal agencies must obtain the OMB clearance for collection of information from 10 or more non-Federal respondents.

D. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Air pollution control, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 13, 1995.
Dennis Grams,
Regional Administrator.
[FR Doc. 95-5517 Filed 3-6-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Parts 261, 271 and 302

[SWH-FRL-5167-3]

RIN 2050-AD80

Extension of Comment Period for the Proposed Identification and Listing of Hazardous Waste/Dye and Pigment Industries

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is extending the comment period for the proposed listing determination on a number of wastes generated during the production of dyes and pigments, which appeared in the Federal Register on December 22, 1994 (see 59 FR 66072-114). The public comment period for this proposed rule was to end on March 22, 1995. The purpose of this notice is to extend the comment period an additional 120 days beyond that, to end on July 19, 1995. This extension of the comment period is provided to allow commenters an opportunity to comment further on the proposal.

DATES: EPA will accept public comments on this proposed listing determination until July 19, 1995. Comments postmarked listing determination until July 19, 1995. Comments postmarked after the close of the comment period will be stamped "late."

ADDRESSES: The public must send an original and two copies of their comments to EPA RCRA Docket Number F-94-DPLP-FFFFF, Room 2616, U.S. EPA, 401 M Street SW., Washington, DC. The docket is open from 9 am to 4 pm, Monday through Friday, excluding Federal holidays. The public must make an appointment to review docket materials by calling (202) 260-9327. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at \$0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: For technical information concerning this notice, please contact Wanda Levine, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260-7458.

SUPPLEMENTARY INFORMATION: This proposed rule was issued under Section 3001(b) of RCRA. EPA proposed to list certain wastes generated during the production of dyes and pigments because these wastes may pose a substantial present or potential risk to human health or the environment when improperly managed. See 59 FR 66072-114 (December 22, 1994) for a more detailed explanation of the proposed rule.

These proposed hazardous waste listings were based in part upon data claimed as confidential by certain dye and pigment manufacturers. Although EPA intends to publish these data or information derived from these data claimed as confidential (to the extent relevant to the proposed listing), the Agency is unable to do so at the present time. EPA is pursuing avenues to allow publication of the information, and intends to supplement the public record prior to issuance of a final listing. EPA is extending the comment period to provide sufficient time for the public to comment if and when additional data are published.

Dated: February 27, 1995.
Elizabeth A. Cotsworth,
Acting Director, Office of Solid Waste.
[FR Doc. 95-5525 Filed 3-6-95; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 261, 271, and 302

[SWH-FRL-5167-2]

RIN 2050-AD80

Postponement of Public Hearing on the Proposed Identification and Listing of Hazardous Waste/Dye and Pigment Industries

AGENCY: Environmental Protection Agency.

ACTION: Notice of postponement of public hearing.

SUMMARY: On December 22, 1994 (see 59 FR 66072-114), the U.S. Environmental Protection Agency (EPA or Agency) proposed to list as hazardous five wastes generated during the production of dyes and pigments, proposed not to list six other wastes from these industries, and proposed to defer action on three wastes due to insufficient information. At the request of the parties originally seeking a public hearing concerning this proposal, the Agency is announcing the postponement of the public hearing, previously scheduled to be held on March 15, 1995, in Washington, DC. **DATES:** The public hearing has not been rescheduled.

ADDRESSES: The RCRA regulatory docket that contains the record for this proposed listing determination on wastes from the production of dyes and pigments is located at Room 2616, U.S. EPA, 401 M Street SW., Washington, DC. The docket is open from 9 am to 4 pm, Monday through Friday, excluding Federal holidays. The public must make an appointment to review docket materials by calling (202) 260-9327.

FOR FURTHER INFORMATION CONTACT: For technical information concerning this notice, please contact Wanda Levine, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260-7458.

SUPPLEMENTARY INFORMATION: Since publication of this proposed rule, the Agency had received requests for a public hearing from the trade association representing the pigments industry, the Color Pigments Manufacturers Association (CPMA); and the trade association representing the dyes industry, the Ecological and Toxicological Association of Dyes and Organic Pigments Manufacturers (ETAD). After the announcement of the public hearing in the Wednesday, February 8, 1995 Federal Register (see 60 FR 7513-4), both associations requested that it be postponed pending resolution of several outstanding issues. In response to these requests, EPA has decided to postpone the public hearing. EPA may reschedule the public hearing in the future, and will provide further notice at that time.

Dated: March 1, 1995.
Michael H. Shapiro, Director,
Office of Solid Waste.
[FR Doc. 95-5515 Filed 3-6-95; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 65a

RIN 0905-AD46

National Institute of Environmental Health Sciences Hazardous Substances Basic Research and Training Grants

AGENCY: National Institutes of Health, Public Health Service, Department of Health and Human Services.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Institutes of Health (NIH) proposes to issue new regulations to govern grants for research