

through the bridge across the Gulf Intracoastal Waterway (Algiers Alternate Route) from 4 p.m. until 7 p.m. on the last weekend in October.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

#### Assistance for Small Entities

Under the 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121, we want to assist small entities in understanding the proposed rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Bridge Administration Branch, Eighth Coast Guard District at the address above.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520.).

#### Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this proposed rule would not have implications for federalism under that Order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

#### Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

#### Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2-1, paragraph (32)(e), of Commandant Instruction M16475.IC, this proposed rule is categorically excluded from further environmental documentation. Bridge Administration Program actions that can be categorically excluded include promulgation of operating regulations or procedures for drawbridges. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 105 Stat. 5039.

2. Section 117.451(b) is revised to read as follows:

##### § 117.451 Gulf Intracoastal Waterway.

\* \* \* \* \*

(b) The draw of the SR 23 bridge, Algiers Alternate Route, mile 3.8 at Belle Chasse, operates as follows:

(1) The draw shall open on signal; except that, from 6 a.m. until 8:30 a.m. and from 3:30 p.m. until 5:30 p.m. Monday through Friday, except Federal holidays, the draw need not be opened for the passage of vessels.

(2) On Saturday and Sunday of the last weekend in October, the draw need

not open for the passage of vessels from 4 p.m. until 7 p.m.

\* \* \* \* \*

Dated: August 21, 2000.

**K.J. Eldridge,**

*Captain, U.S. Coast Guard Acting Commander, 8th Coast Guard Dist.*

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 60

[AD-FRL-6859-5]

RIN 2060-AG31

#### Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources for Commercial and Industrial Solid Waste Incineration Units

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

**ACTION:** Notice of data availability.

**SUMMARY:** This notice announces the availability of additional data which supplement the database of emissions test reports used in developing the final regulations for commercial and industrial solid waste incineration (CISWI) units. We plan to issue the final regulations by November 15, 2000. However, as we move toward finalization of that rulemaking, we will continue to evaluate the completeness of the rulemaking docket and may periodically add additional material relevant to the development of the final regulations (including, for example, additional data regarding the characteristics of the incineration units considered in that rulemaking and/or the emissions of pollutants from such units).

**ADDRESSES:** Docket No. A-94-63 contains the supporting information for development of performance standards and emission guidelines for CISWI units and is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, telephone (202) 260-7548, fax (202) 260-4000. The docket is available at the above address in Room M-1500, Waterside Mall (ground floor, central mall). A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Fred Porter, Combustion Group, Emission Standards Division (MD-13),

U.S. EPA, Research Triangle Park, North Carolina 27711, (919) 541-5251, e-mail porter.fred@epa.gov.

**SUPPLEMENTARY INFORMATION:** On November 30, 1999, we published proposed regulations to limit air pollution emissions from CISWI units (64 FR 67092). In the 1999 proposal, we asked for comment on the proposed emissions limitations for certain pollutants because of the limited amount of data available for some pollutants in the source category.

Commenters stated that because the emissions test data upon which several of the emissions limitations were based at proposal were extremely limited, the proposed limitations were not representative of actual CISWI unit performance. Several of the commenters suggested that we consider expanding the CISWI emissions database by adding emissions data from rulemakings which establish standards for sources that use similar emissions control technologies under comparable operating conditions. We have considered the comments and believe that it is appropriate under the circumstances to consider certain emissions test data from sources outside the CISWI category in order to help us better evaluate the actual performance of CISWI units using similar control technology. Specifically, because for three pollutants—dioxins/furans, mercury, and hydrogen chloride—only one or two CISWI emissions tests are available, we have decided not to rely only on those emissions tests to determine the emissions limitations for those three pollutants.

Instead, we intend to supplement the limited data for dioxins/furans, mercury, and hydrogen chloride emissions from CISWI units controlled by wet scrubbing systems with emissions data from similarly controlled units outside of the CISWI category. That approach will allow us to better characterize the actual dioxins/furans, mercury, and hydrogen chloride emissions limitations achieved by units in the CISWI category by providing additional information regarding the performance of wet scrubbers under conditions similar to those experienced by CISWI units.

Hazardous waste incinerator (HWI) units without waste heat boilers that are controlled with wet scrubbing systems serve as a valuable source of supplementary data for emissions of

dioxins/furans (waste heat boilers on HWI can result in increased dioxins/furans emissions that are not representative of dioxins/furans emissions from CISWI units). Those types of HWI units are generally similar to CISWI units that are controlled by wet scrubbing systems. Thus, it is reasonable to conclude that the emissions performance of HWI units without waste heat boilers controlled with wet scrubbing systems is comparable to that of CISWI units controlled with wet scrubbing systems. Accordingly, we intend to combine the dioxins/furans emissions data from HWI units that do not use waste heat recovery boilers and that are controlled with wet scrubbing systems with the dioxins/furans emission data from CISWI units controlled with wet scrubbing systems to estimate the dioxins/furans emissions limitations achieved by units in the CISWI category.

Unfortunately, with respect to the other two pollutants (mercury and hydrogen chloride) for which CISWI test data are extremely limited, it is inappropriate to use emissions data from HWI units to supplement the CISWI unit data. The mercury and hydrogen chloride emissions data available from HWI units are based on the use of a different emission control technology than wet scrubbing systems. That fact prevents us from combining mercury and hydrogen chloride emissions data from HWI units with that from CISWI units. Since appropriate HWI data were not available, we considered other possible sources of data to augment mercury and hydrogen chloride emissions data from CISWI units controlled by wet scrubbing systems, and concluded that hospital/medical/infectious waste incinerator (HMIWI) units controlled with wet scrubbing systems could serve as a valuable source of supplementary data for mercury and hydrogen chloride.

The HMIWI units are also generally similar to CISWI units that are controlled by wet scrubbing systems. Thus, it is reasonable to conclude that the mercury and hydrogen chloride emissions performance achieved by HMIWI units controlled with wet scrubbing systems is comparable to that of CISWI units controlled with wet scrubbing systems. Accordingly, we intend to combine the mercury and hydrogen chloride emissions data from

HMIWI units controlled with wet scrubbing systems with the mercury and hydrogen chloride emissions data from CISWI units controlled with wet scrubbing systems to estimate the emissions limitations achieved by units in the CISWI category for those pollutants.

That process for augmenting the CISWI data with appropriate HWI or HMIWI data will result in dioxins/furans, mercury, and hydrogen chloride emissions limitations which more accurately represent the levels of such emissions limitations actually achieved by CISWI units employing wet scrubbing systems. That approach to developing the emissions limitations will provide a reasonable proxy for the actual performance of the best-performing CISWI units and is the most appropriate method, under the circumstances, for EPA to identify the emissions limitations that are achieved by such units.

While we believe that emissions data for dioxins/furans, mercury, and hydrogen chloride from the HWI and HMIWI categories are useful for augmenting the CISWI data where insufficient CISWI emission data are available, we do not believe that HWI, HMIWI, and CISWI units should generally be characterized as similar units for the purpose of determining emissions limitations for all pollutants for CISWI units.

The emissions data we intend to use from HWI and HMIWI units to develop the final emissions limitations for CISWI units are presented in Tables 1 and 2 of this document. Table 1 presents the dioxins/furans emissions data from HWI units without waste heat recovery boilers and controlled with wet scrubbing systems. The data were collected during the development of regulations for HWI units. The units of measure are nanograms toxic equivalent quantity per dry standard cubic meter (ng TEQ/dscm) based on 1989 international toxic equivalency factors. Table 2 presents the mercury and hydrogen chloride emissions data from HMIWI units with wet scrubbing systems. The data were collected during the development of regulations for HMIWI units. The units of measure for mercury are milligrams per dry standard cubic meter (mg/dscm), and the units of measure for hydrogen chloride are parts per million (ppm).

TABLE 1.—WET SCRUBBER DIOXINS/FURANS EMISSIONS DATA FROM HAZARDOUS WASTE INCINERATOR UNITS WITHOUT WASTE HEAT BOILERS

| Facility ID                 | Dioxins/Furans Emissions<br>(ng TEQ/dscm) |
|-----------------------------|-------------------------------------------|
| Rollins Environmental ..... | 0.081                                     |
| Ross .....                  | 0.057                                     |
| Army Atoll .....            | 0.050                                     |
| DOD Johnson Atoll .....     | 0.071                                     |
| DOD Tooele .....            | 0.004                                     |
| DOD Tooele .....            | 0.014                                     |
| DOD Tooele .....            | 0.002                                     |
| Occidental .....            | 0.066                                     |
| Occidental .....            | 0.035                                     |
| Occidental .....            | 0.027                                     |
| Dow Chemical .....          | 0.172                                     |
| Dow Midland .....           | 0.009                                     |
| DOE .....                   | 0.015                                     |
| Waste Tech .....            | 0.244                                     |
| Waste Tech .....            | 0.130                                     |
| Waste Tech .....            | 0.033                                     |
| Waste Tech .....            | 0.052                                     |
| Army Atoll .....            | 0.070                                     |
| American Cyanamid .....     | 0.006                                     |
| American Cyanamid .....     | 0.006                                     |
| Ciba .....                  | 0.015                                     |
| DOD Tooele .....            | 0.002                                     |
| DOD Tooele .....            | 0.036                                     |
| DOD Tooele .....            | 0.007                                     |
| Chevron .....               | 0.016                                     |
| Chevron .....               | 0.021                                     |
| Chem Waste .....            | 0.099                                     |
| Chem Waste .....            | 0.410                                     |
| Chem Waste .....            | 0.210                                     |
| Chem Waste .....            | 0.007                                     |
| Chem Waste .....            | 0.010                                     |
| Chem Waste .....            | 0.006                                     |
| Chem Waste .....            | 0.025                                     |
| Rollins Deer Park .....     | 0.004                                     |
| Zeneca .....                | 0.146                                     |
| American Cyanamid .....     | 0.010                                     |
| Eastman Kodak .....         | 0.240                                     |
| DOD Tooele .....            | 0.001                                     |

TABLE 2.—WET SCRUBBER HYDROGEN CHLORIDE AND MERCURY EMISSIONS DATA FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR UNITS

| Facility ID         | Hydrogen Chloride<br>Emissions<br>(ppm) | Mercury Emissions<br>(mg/dscm) |
|---------------------|-----------------------------------------|--------------------------------|
| Bayfront .....      | 1.08                                    | No Data                        |
| Bethesda .....      | No Data                                 | 0.017                          |
| Boca 93 .....       | 0.05                                    | 0.040                          |
| Boca 94 .....       | 1.48                                    | No Data                        |
| Hershey .....       | 9.33                                    | 0.106                          |
| JFK .....           | 1.21                                    | 0.004                          |
| Mass General .....  | No Data                                 | 0.048                          |
| Memorial City ..... | 3.61                                    | 0.301                          |
| Mercy .....         | 0.05                                    | No Data                        |
| Norwalk .....       | 3.04                                    | No Data                        |
| Rahway .....        | 0.80                                    | 0.062                          |
| Stony Brook .....   | 1.75                                    | 0.473                          |
| St Vincent .....    | 3.60                                    | No Data                        |
| U Texas .....       | 1.49                                    | No Data                        |

Dated: August 22, 2000.

**Robert Perciasepe,**

*Assistant Administrator for Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 194

[FRL-6859-4]

RIN 2060-AG85

#### Waste Characterization Program Documents Applicable to Transuranic Radioactive Waste From the Rocky Flats Environmental Technology Site for Disposal at the Waste Isolation Pilot Plant

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability; opening of public comment period.

**SUMMARY:** The Environmental Protection Agency (EPA) is announcing the availability of, and soliciting public comments for 30 days on, a Department of Energy (DOE) document applicable to characterization of transuranic (TRU) radioactive waste at the Rocky Flats Environmental Technology Site (RFETS) proposed for disposal at the Waste Isolation Pilot Plant (WIPP). The document is entitled, "Operating the Neutron Multiplicity Counters and TRIFID Gamma-Ray Isotopics Systems, Rev. 1, 12/17/99." It is available for review in the public dockets listed in **ADDRESSES**. We will conduct an inspection of waste characterization systems and processes at RFETS to verify that the proposed nondestructive assay process at RFETS can characterize transuranic waste in accordance with EPA's WIPP compliance criteria. EPA will perform this inspection the week of September 18, 2000.

**DATES:** EPA is requesting public comment on the document. Comments must be received by EPA's official Air Docket on or before September 27, 2000.

**ADDRESSES:** Comments should be submitted to: Docket No. A-98-49, Air Docket, Room M-1500 (LE-131), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. The DOE documents are available for review in the official EPA Air Docket in Washington, DC, Docket No. A-98-49, Category II-A2, and at the following three EPA WIPP informational docket locations in New Mexico: in Carlsbad at the Municipal Library, Hours: Monday-Thursday, 10 am-9 pm, Friday-

Saturday, 10 am-6 pm, and Sunday 1 pm-5 pm; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: vary by semester; and in Santa Fe at the New Mexico State Library, Hours: Monday-Friday, 9am-5pm.

As provided in EPA's regulations at 40 CFR part 2, and in accordance with normal EPA docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying.

**FOR FURTHER INFORMATION CONTACT:**

Scott Monroe, Office of Radiation and Indoor Air, (202) 564-9310, or call EPA's toll-free WIPP Information Line, 1-800-331-WIPP.

**SUPPLEMENTARY INFORMATION:**

**Background**

DOE has opened the WIPP near Carlsbad, New Mexico, as a deep geologic repository for disposal of TRU radioactive waste. As defined by the WIPP Land Withdrawal Act (LWA) of 1992 (Public Law 102-579), as amended (Public Law 104-201), TRU waste consists of materials containing elements having atomic numbers greater than 92 (with half-lives greater than twenty years), in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes per gram of waste. Much of the existing TRU waste consists of items contaminated during the production of nuclear weapons, such as rags, equipment, tools, and sludges.

On May 13, 1998, we announced our final compliance certification decision to the Secretary of Energy (published May 18, 1998, 63 FR 27354). This decision stated that the WIPP will comply with EPA's radioactive waste disposal regulations at 40 CFR part 191, subparts B and C.

The final WIPP certification decision includes conditions that: (1) prohibit shipment of TRU waste for disposal at WIPP from any site other than the Los Alamos National Laboratory (LANL) until the EPA determines that the site has established and executed a quality assurance program, in accordance with §§ 194.22(a)(2)(i), 194.24(c)(3), and 194.24(c)(5) for waste characterization activities and assumptions (Condition 2 of appendix A to 40 CFR part 194); and (2) prohibit shipment of TRU waste for disposal at WIPP from any site other than LANL until the EPA has approved the procedures developed to comply with the waste characterization requirements of § 194.22(c)(4) (Condition 3 of appendix A to 40 CFR part 194). Our approval process for waste generator sites is described in § 194.8. As part of our decision-making

process, the DOE is required to submit to us documents describing the quality assurance and waste characterization programs at each DOE waste generator site seeking approval for shipment of TRU radioactive waste to WIPP. In accordance with § 194.8, we place these documents in the official Air Docket in Washington, D.C., and in supplementary dockets in the State of New Mexico, for public review and comment.

EPA approved the required quality assurance program at RFETS in March 1999. EPA also approved certain waste characterization processes at RFETS in March 1999, June 1999, and January 2000. DOE is proposing to use additional nondestructive assay processes that EPA did not previously inspect at RFETS. EPA will conduct a inspection of RFETS to verify that the proposed processes are effective as part of the system of controls for waste characterization in accordance with 40 CFR 194.24.

We have placed the governing procedure for the Canberra Neutron Multiplicity Counters and Transuranic Isotopic Fraction Identification Device (TRIFID) Gamma-Ray Isotopics Systems in the public docket described in **ADDRESSES**. The document is entitled, "Operating the Neutron Multiplicity Counters and TRIFID Gamma-Ray Isotopics Systems, Rev. 1, 12/17/99." We have also placed the most recent revision (No. 4) of the RFETS "Transuranic Waste Management Manual" in the docket. In accordance with 40 CFR 194.8, as amended by the final certification decision, we are providing the public 30 days to comment on these documents.

If we determine as a result of the inspection that the proposed processes at RFETS adequately control the characterization of transuranic waste, we will notify DOE by letter and place the letter in the official Air Docket in Washington, DC, as well as in the three duplicate dockets in New Mexico. A letter of approval will allow the DOE to ship from RFETS the TRU waste that may be characterized using the approved processes. We will not make a determination of compliance prior to the inspection or before the 30-day comment period has closed.

Information on the certification decision is filed in the official EPA Air Docket, Docket No. A-93-02 and is available for review in Washington, DC, and at three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, DC, plus those documents added to the official Air