

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of June 24 through July 1, 1994]

Date	Name and location of applicant	Case No.	Type of submission
6/30/94	Osborne Truck Line, Inc., Memphis, TN	RR272-141	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The April 28, 1994 Decision and Order (Case No. RF272-80171) issued to Osborne Truck Line, Inc. would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.
7/1/94	Government Accountability Project, Washington, D.C.	LFA-0398	Appeal of an Information Request Denial. If Granted: The May 17, 1994 Freedom of Information Request Denial issued by the Oak Ridge Operations Office would be rescinded, and Government Accountability Project would receive access to all records reflecting legal fees paid to Oak Ridge Operation's contractors and their counsel since January 1, 1987, along with copies of correspondence between the contractors, their counsel and DOE regarding claims for indemnification, and copies of the billing statements from the law firms and/or the contractors.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund application	Case No.
6/24/94 thru 7/1/94	Crude Oil Refund Applications Received	RF272-97230 thru RF272-98155
6/28/94	Glen Petroleum Corporation	RF336-43
6/28/94	AA Awnings International, Inc	RF351-20
6/28/94	LPS Laboratories, Inc	RF351-21
6/28/94	Pascoe Building Systems	RF351-22
6/28/94	Tri County Oil Company, Inc	RF351-23
6/29/94	Randy's Service Station	RF304-15458
6/30/94	Quaker State Corporation	RF345-28

[FR Doc. 94-22009 Filed 9-6-94; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5066-8]

M.A. Norden Company Site, AL; Modification of June 15, 1984, Clean Water Act Section 404(c) Final Determination

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of modification of section 404(c) final determination and notice of availability.

SUMMARY: The U.S. Environmental Protection Agency (EPA) has modified the June 15, 1984, Clean Water Act section 404(c) Final Determination concerning the Norden site in Mobile, Alabama. The modification means that the M.A. Norden Company, Inc. may apply for a section 404 permit to discharge dredged or fill material into waters of the United States in order to construct an access road across the section 404(c) prohibited site. EPA concludes that these proposed activities

will not result in unacceptable adverse effects under section 404(c).

EFFECTIVE DATE: The modification is effective August 29, 1994, upon signature of EPA's Assistant Administrator for Water.

FOR FURTHER INFORMATION CONTACT: Specific details are available from Paul Minkin (EPA) at (202) 260-1901. Copies of the modification are available through the EPA Wetlands Hotline at (800) 832-7828.

SUPPLEMENTARY INFORMATION: Section 404(c) of the Clean Water Act authorizes EPA to prohibit or restrict the use of portions of waters of the United States for discharging dredged or fill material. In October, 1992, M.A. Norden Company, Inc. petitioned EPA to modify its 1984 section 404(c) Final Determination concerning the Norden site to enable it to construct a road across the site to access adjacent uplands.

EPA announced Norden Company's request for modification of the Norden Final Determination and requested public comment in the May 13, 1994, **Federal Register** (59 FR 25050). EPA formally notified the U.S. Army Corps of Engineers Headquarters (Corps Headquarters) of the Norden Company

petition and requested any comments on the Norden Company proposal. EPA also mailed copies of the **Federal Register** notice to other parties believed to be interested in the proposed action.

EPA received no comments from the public in response to the **Federal Register** notice. Corps Headquarters responded in a July 1, 1994, letter to EPA and indicated that they had no comment at this time so that they might maintain their ability to make an objective and independent decision on a permit application from Norden Company, should EPA modify their Final Determination. The U.S. Fish and Wildlife Service, Alabama Field Office (FWS), submitted comments in a June 7, 1994, letter. While neither supporting nor objecting to reconsideration of the Final Determination, they indicated that there may be less environmentally damaging alternatives to the proposed road fill and that these alternatives should be fully explored.

EPA carefully reviewed Norden Company's proposal, comments submitted by Corps Headquarters and FWS, and the existing Norden section 404(c) record. Based on this review, EPA concluded that environmental impacts associated with the proposed

road construction would not result in unacceptable adverse effects to the Norden 404(c) area. In reaching this decision, EPA considered that the impacts of the current Norden Company proposal are significantly less than those of the original proposal which precipitated the section 404(c) action. The original Final Determination noted that the Norden site was a "productive wetland, typical of the area, that contributes organic material to the fish and shellfish communities of the Mobile Bay estuary, provides valuable habitat for wildlife, and acts as a pollutant filtering mechanism which helps to reduce degradation of water quality in the adjacent open water system." The originally proposed 25 acres of impacts to waters of the United States have been reduced through the modification of the project so that approximately 1.5 acres will be impacted. In addition, the project will be constructed in such a way as to allow for downstream transport of detritus and continued connection to the Mobile Bay estuary.

The Norden Company has made a prima facie showing that there are no practicable alternatives which are less environmentally damaging. Alternate routes which would avoid the wetlands do not seem to be practicable based on the information available. If the Final Determination is modified, the project must still go through the Corps' permit process, where the issue of practicable, less damaging alternatives will receive thorough investigation. Under the circumstances, the theoretical possibility of alternatives does not make the limited impacts of the revised project unacceptable.

For these reasons, EPA has concluded that it is appropriate to modify the original June 15, 1984, Final Determination to allow M.A. Norden Company, Inc. to seek authorization from the U.S. Army Corps of Engineers to discharge dredged or fill material into waters of the United States associated with the construction of the road described in the Norden Company's submissions to EPA on October 5, 1992, and August 5, 1993, and summarized above. Prior to any discharge activities, however, the project must be authorized pursuant to applicable permits issued by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act.

Dated: August 29, 1994.

Robert Perciasepe,

Assistant Administrator for Water.

[FR Doc. 94-21999 Filed 9-6-94; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5066-6]

Public Meeting on the Draft National Waste Minimization Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of meeting.

SUMMARY: On May 18, 1993, EPA Administrator Carol Browner announced, with the release of the Draft Hazardous Waste Minimization and Combustion Strategy, that EPA was taking a leadership role in reducing the amount of hazardous waste produced in this country and strengthening federal controls governing hazardous waste incinerators, boilers, and industrial furnaces.

As part of that Strategy, EPA developed and released a Draft RCRA Waste Minimization National Plan in May of 1994. EPA's goal is to finalize the Phase I portion of the Plan by November 1994. Phase I is the primary vehicle for promoting source reduction and, secondarily, environmentally sound recycling of waste streams containing persistent, bioaccumulative, and toxic compounds, and particularly metals and/or halogens that are likely to be combusted in boilers and industrial furnaces or hazardous waste incinerators. Phase II of the Plan will focus beyond hazardous wastes managed in combustion units to promote source reduction and recycling for wastes managed by other practices.

In order to gain early and substantive input on Phase I, EPA will hold a three-day focus group meeting September 20-22, 1994, with invited participants. Participants will include individuals from federal, state and local government, industry, public interest and environmental groups, technical assistance centers, and labor.

EPA will convene separate Focus Group sessions on:

(1) **Prioritization of Wastes.** Discussions will focus on the methodology that EPA has developed to prioritize waste minimization efforts associated with wastes that are combusted. A Federal Register Notice, 59FR 41442, dated August 12, 1994 announced the availability of a Draft Methodology Document and asked for comments on the draft by September 9, 1994.

(2) **Goals.** Topics will include: development of a goal statement for minimizing hazardous wastes that are combusted, particularly when such reductions will lead to multi-media environmental benefits and will reduce persistent, bioaccumulative, and toxic constituents; expediting continual

improvement in seeking source reduction and environmentally sound recycling options at the top of the waste management hierarchy; and improving the recycling and management of wastes that cannot be reduced in a way that results in a net reduction of environmental loadings to all media.

(3) **Voluntary Programs and Incentives.** Topics will include discussion of currently existing voluntary programs/incentives and how they either overlap with the goals of Phase I, or do not meet Phase I objectives; and options, both pro and con, of using existing programs/incentives versus new initiatives to get real reductions of wastes of concern.

(4) **Incorporating waste minimization in RCRA permits.** Discussions will include the status of federal and state efforts to incorporate waste minimization into RCRA permits, inspections and enforcement actions. Comments will be invited regarding the pros and cons of these approaches.

Members of the public are invited to attend the meeting as observers. Written comments will be accepted at the meeting. Additionally, there will be time allotted following participants discussions to take comments from observers. The Meeting will be held Tuesday, September 20 through Thursday, September 22 at the Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland (301) 652-2000. Please contact the hotel directly for further information on the meeting facilities and lodging. For information on the meeting (e.g. the agenda and issues) or to request special needs services for observers such as sign language interpretation, contact Sandra Farrell at (703) 308-8402.

An Executive Summary of the proceedings of the Focus Groups Meeting will be prepared and made publicly available following the Meeting.

Dated: August 30, 1994.

Elizabeth Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 94-22000 Filed 9-6-94; 8:45 am]

BILLING CODE 6560-50-P

[OPP-300357; FRL-4906-6]

Bacteriophages of *Xanthomonas campestris* subsp. *vesicatoria*; Establishment of Temporary Exemption from Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.