

and 2006, DOE operated the WIPP facility in compliance with applicable Federal statutes, regulations, and permit requirements designated in Section 9(a)(1) of the WIPP Land Withdrawal Act, as amended. The Secretary of Energy was notified of the determination via a letter from EPA Administrator Stephen L. Johnson dated May 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Nick Stone; telephone number: (214) 665-7226; address: WIPP Project Officer, Mail Code 6PD-O, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, TX 75202.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. How Can I Get Copies of This Document and Other Related Information?*

1. *Docket.* EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2007-0238; FRL-8322-3]. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742. 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.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at <http://www.epa.gov/fedrgrstr/>.

**II. Background**

EPA made this determination under the authority of Section 9 of the WIPP Land Withdrawal Act (WIPP LWA). (Pub. L. 102-579 and 104-201.) Section 9(a)(1) of the WIPP LWA requires that, as of the date of the enactment of the WIPP LWA, DOE shall comply with respect to WIPP with (1) regulations for the management and storage of radioactive waste (40 CFR part 191, subpart A); (2) the Clean Air Act; (3) the Solid Waste Disposal Act; (4) the Safe Drinking Water Act; (5) the Toxic Substances Control Act; (6) the Comprehensive Environmental

Response, Compensation, and Liability Act; and (7) all other applicable Federal laws pertaining to public health and safety or the environment. Section 9(a)(2) of the WIPP LWA requires DOE biennially to submit to EPA documentation of continued compliance with the laws, regulations, and permit requirements set forth in Section 9(a)(1). (DOE must also submit similar documentation of compliance with the Solid Waste Disposal Act to the State of New Mexico.) Section 9(a)(3) requires the Administrator of EPA to determine on a biennial basis, following the submittal of documentation of compliance by the Secretary of DOE, whether the WIPP is in compliance with the pertinent laws, regulations, and permit requirements, as set forth at Section 9(a)(1).

We determined that for the period 2004 to 2006, the DOE-submitted documentation showed continued compliance with 40 CFR part 191, subpart A, the Clean Air Act, the Safe Drinking Water Act, the Toxic Substances Control Act, and the Comprehensive Environmental Response, Compensation, and Liability Act. With respect to other applicable Federal laws pertaining to public health and safety or the environment, as required by Section 9(a)(1)(G), DOE's documentation also indicates that DOE was in compliance with the Clean Water Act, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and certain statutes under the jurisdiction of the Department of the Interior.

This determination is not in any way related to, or a part of, our certification decision regarding whether the WIPP complies with EPA's disposal regulations for transuranic radioactive waste at 40 CFR part 191.

Dated: May 31, 2007.

**Stephen L. Johnson,**  
Administrator.

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**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8323-2]

**Reproposal of the Reissuance of Two General NPDES Permits (GPs), One for Aquaculture Facilities in Idaho Subject to Wasteload Allocations Under Selected Total Maximum Daily Loads (Permit Number IDG-13-0000) and One for Fish Processors Associated With Aquaculture Facilities in Idaho (Permit Number IDG-13-2000)**

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

**ACTION:** Notice of additional modification of two draft general NPDES permits.

**SUMMARY:** On September 27, 2004, a general permit regulating the activities of aquaculture facilities in Idaho and associated on-site fish processors expired. On June 19, 2006, the Director, Office of Water and Watersheds, EPA Region 10, proposed to reissue three general permits to cover facilities covered under the previous permit. These general permits also will cover facilities currently operating under individual permits, thereby terminating the authorization to discharge under the individual permits. This additional public notice is to invite comments on revised limits for some of the covered facilities and revised requirements for pollutant trading among the facilities, as well as revised determinations on the effect on listed species under the Endangered Species Act.

**DATES:** Comments must be received or postmarked by July 9, 2007.

*Public Comment:* Interested persons may submit written comments on the changes to the draft permits to the attention of Sharon Wilson at the address below. All comments should include the name, address, and telephone number of the commenter and a concise statement of comment and the relevant facts upon which it is based. Comments of either support or concern which are directed at specific, cited permit requirements are appreciated.

After the expiration date of the Public Notice on July 9, 2007; the Director, Office of Water and Watersheds, EPA Region 10, will make a final determination with respect to issuance of the general permits. Response to comments from both comment periods will be published with the final permits. The proposed requirements contained in the draft general permits will become final 30 days after publication of the final permits in the **Federal Register**.

**ADDRESSES:** Comments on the proposed changes to the General Permits should be sent to Sharon Wilson, USEPA Region 10; 1200 Sixth Avenue, OWW-130; Seattle, Washington 98101 or by e-mail to [wilson.sharon@epa.gov](mailto:wilson.sharon@epa.gov).

**FOR FURTHER INFORMATION, CONTACT:** Carla Fromm, 208-378-5755, [fromm.carla@epa.gov](mailto:fromm.carla@epa.gov) or Sharon Wilson, 206-553-0325, [wilson.sharon@epa.gov](mailto:wilson.sharon@epa.gov). Copies of the draft general permit and the fact sheets may be downloaded from the EPA Region 10 Web site at <http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/General+NPDES+Permits#Aquaculture>. They are also available upon request from Audrey Washington at (206) 553-0523, or e-mailed to [washington.audrey@epa.gov](mailto:washington.audrey@epa.gov).

#### SUPPLEMENTARY INFORMATION

##### Public Hearing

Written comments receive as much consideration as oral comments at a public hearing. Persons wishing to request a public hearing should submit their written request by July 9, 2007, stating the nature of the issues to be raised as well as the requester's name, address and telephone number to Sharon Wilson at the address above. If a public hearing is scheduled, notice will be published in the **Federal Register**. Notice will also be posted on the Region 10 Web site and will be mailed to all interested persons receiving notice of availability of the draft permits.

##### Administrative Record

The complete administrative record for the draft permit is available for public review at the EPA Region 10 office at the address listed above.

##### Other Legal Requirements

###### A. Endangered Species Act

EPA has determined that issuance of the General Permits is not likely to adversely affect threatened or endangered salmonids, designated critical habitat, or essential fish habitat. Issuance of the General Permits is likely to adversely affect threatened or endangered snail species or their designated critical habitat, due to possible impairment of the water quality needs of the snails through TSS and TP additions to receiving waters in the mid-Snake subbasin; this is a change from the determination for the previous public comment period. Issuance of the Wasteload Allocation Permit to four warm water facilities in Idaho is likely to affect the three listed snail species because of the increase in temperature of the receiving streams in the

immediate vicinity of these facilities. EPA has determined that, due to location of the snails relative to the aquaculture facilities, the general permits for aquaculture facilities are not likely to adversely affect the Bruneau Hot Springs snail. EPA has determined that issuance of the General Permits will have no effect on any terrestrial threatened or endangered species or their designated critical habitat.

###### B. Executive Order 12866

EPA has determined that this general permit is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

###### C. Paperwork Reduction Act

The information collection requirements of this permit were previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned OMB control numbers 2040-0086 (NPDES permit application) and 2040-0004 (discharge monitoring reports).

###### D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that EPA prepare a regulatory flexibility analysis for rules subject to the requirements of 5 U.S.C. 553(b) that have a significant impact on a substantial number of small entities. However, general NPDES permits are not "rules" subject to the requirements of 5 U.S.C. 553(b) and are therefore not subject to the RFA.

###### E. Unfunded Mandates Reform Act

Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104-4, generally requires Federal agencies to assess the effects of their "regulatory actions" (defined to be the same as "rules" subject to the RFA) on tribal, State, and local governments and the private sector. However, general NPDES permits are not "rules" subject to the requirements of 5 U.S.C. 553(b) and are therefore not subject to the RFA or the UMRA.

Dated: May 30, 2007.

**Michael F. Gearheard,**

*Director, Office of Water & Watersheds,  
Region 10.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8323-5]

### Notice of Final NPDES General Permit; Final NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000)

**SUMMARY:** EPA Region 6 today issues a final National Pollutant Discharge Elimination System (NPDES) general permit for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (No. GMG290000). The general permit authorizes discharges from new sources, existing sources, and new dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435, Subpart A). The reissued permit will become effective October 1, 2007. The existing permit published in the **Federal Register**, at 69 FR 60150 on October 7, 2004, authorizes discharges from exploration, development, and production facilities located in and discharging to Federal waters of the Gulf of Mexico seaward of the outer boundary of the territorial seas offshore of Louisiana and Texas. Today's action reissues the current permit which will expire on November 7, 2007.

A copy of the Region's responses to comments and the final permit may be obtained from the EPA Region 6 internet site: <http://www.epa.gov/earth1r6/6wq/6wq.htm>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Diane Smith, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 665-2145, or via e-mail to the following address: [smith.diane@epa.gov](mailto:smith.diane@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulated entities.* EPA intends to use the reissued permit to regulate oil and gas extraction facilities located in the Outer Continental Shelf of the Western Gulf of Mexico, *e.g.*, offshore oil and gas extraction platforms, but other types of facilities may also be subject to the permit. To determine whether your facility, company, business, organization, etc., may be affected by today's action, you should carefully examine the applicability criteria in Part I, Section A.1 of the draft permit. Questions on the permit's application to specific facilities may also be directed to Ms. Smith at the telephone number or address listed above.

*Oil Spill Requirements.* Section 311 of the Clean Water Act, (CWA or the Act),