

Proposed Rules

Federal Register

Vol. 57, No. 164

Monday, August 24, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 48, 75, and 77

RIN 1219-AA55

Training and Retraining of Miners

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Extension of comment period.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding the Agency's proposed rule concerning the training and retraining of miners from August 24, 1992, to September 25, 1992, in response to requests from the mining community.

DATES: Written comments must be received on or before September 25, 1992.

ADDRESSES: Send written comments to the Office of Standards, Regulations, and Variances, MSHA, room 631, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA. (703) 235-1910.

SUPPLEMENTARY INFORMATION: On September 24, 1991, MSHA published a proposed rule to amend its training requirements for miners in 30 CFR part 48 (56 FR 48376). The proposed rule would revise the definition of "miner" to include all supervisory personnel. It would revise the definition of "experienced miner" to mean a miner who has had one year of mining experience and, for miners hired after October 13, 1978, "experienced miner" would mean those who have completed new miner training. In addition, the proposal would strengthen the training for experienced miners, including supervisory personnel, by adding course requirements. The comment period for the proposed rule was scheduled to close on August 24, 1992, but in response

to requests from the mining community for more time in which to prepare their comments, MSHA is extending the comment period to September 25, 1992. All interested parties are encouraged to submit comments prior to this date.

Dated: August 18, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 92-20138 Filed 8-21-92; 8:45 am]

BILLING CODE 4510-43-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRI-4196-9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Binghamton Equipment Company (BEC) Trucking site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces its intent to delete the BEC Trucking site from the National Priorities List (NPL), Appendix B, and requests public comment on this action. EPA and the State of New York have determined that no further cleanup by responsible parties is appropriate under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Moreover, EPA and the State have determined that CERCLA activities conducted at the BEC Trucking site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the deletion of the BEC Trucking site from the NPL may be submitted on or before September 18, 1992.

ADDRESSES: Comments concerning the deletion of the BEC Trucking site from the NPL may be submitted to: Arnold Bernas, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, room 29-30, New York, New York 10278.

Comprehensive information on the BEC Trucking site is contained in the EPA Region II public docket, which is

located at EPA's Region II office, and is available for viewing by appointment only, from 9 a.m. to 5 p.m., Monday through Friday, excluding holidays.

Background information from the Regional public docket is also available for viewing at the BEC Trucking site's Administrative Record repositories located at:

Vestal Public Library, 320 Vestal Parkway East, Vestal, New York 13850 and Vestal Town Hall, 605 Vestal Parkway West, Vestal, New York 13850.

FOR FURTHER INFORMATION CONTACT:

For further information, or to request an appointment to review the public docket, please contact Mr. Bernas at (212) 264-7612.

SUPPLEMENTARY INFORMATION:

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I. Introduction

EPA Region II announces its intent to delete the BEC Trucking site from the NPL and requests public comment on this action. The NPL is appendix B to the NCP, which EPA promulgated pursuant to section 105 of CERCLA, as amended. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL, as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (the "Fund"). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions, if conditions at such site warrant action.

EPA will accept comments concerning the BEC Trucking site for thirty (30) days after publication of this notice in the **Federal Register** (until September 18, 1992).

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the BEC Trucking site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR

300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria has been met:

1. EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or
2. All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or
3. Based on a remedial investigation and feasibility study (RI/FS), EPA, in consultation with the State, has determined that the release poses no significant threat to public health or to the environment and, therefore, taking remedial measures is not appropriate.

III. Deletion Procedures

The NCP provides that EPA shall not delete a site from the NPL until the State in which the release was located has concurred, and the public has afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts. The NPL is designed primarily for informational purposes and to assist Agency management.

EPA Region II will accept and evaluate public comments before making a final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be most pertinent to deletion decisions. The following procedures were used for the intended deletion of the BE Trucking site:

1. EPA Region II has recommended deletion and has prepared the relevant documents.
2. The State of New York has concurred with the deletion decision.
3. Concurrent with this Notice of Intent to Delete, a notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties. This notice announces a thirty (30) day public comment period on the deletion package starting on August 19, 1992 and concluding on September 18, 1992.
4. The Region has made all relevant

documents available in the Regional Office and the local site information repositories.

The comments received during the comment period will be evaluated before any final decision is made. EPA Region II will prepare a Responsiveness Summary which will address the comments received during the public comment period.

If after consideration of these comments, EPA decides to proceed with deletion, the EPA Regional Administrator will place a Notice of Deletion in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region II.

IV. Basis for Intended Site Deletion

The BEC Trucking site is an open lot of approximately 3.5 acres located in the Town of Vestal, Broome County, New York. The area surrounding the site is primarily industrial and commercial.

Concerns related to contamination at the BEC Trucking property began in May 1982, when the Town of Vestal found evidence of possible illegal dumping of miscellaneous debris and the improper storage of approximately 50 drums containing what appeared to be petroleum and chemical products. The discovery led to an NYSDEC inspection of the site. NYSDEC's inspection revealed 20 drums containing various liquid waste materials, most of which were waste engine or cutting oils, and some of which appeared to contain enamel reducers, paint thinners, and waste solvents; the others were empty.

In January 1983, the analysis of a composite sample obtained from eight of the existing drums revealed the presence of total organic halides, lead, and cadmium.

In August 1983, the property owner contracted with an NYSDEC-approved waste hauler to remove the 50 surface drums. Some stained soil located around the drums was excavated and contained in drums on-site; these drums were removed by EPA in March 1991.

The site was included on the National Priorities List in June 1986, based primarily on the potential for exposure to lead in ground water and that such an exposure pathway could develop.

An RI/FS was conducted at the site in 1988 to determine the nature and extent of the contamination at and emanating from the site, to determine what threat the site poses to public health and the environment, and to evaluate remedial alternatives. As a result of the previous

cleanup activities conducted at the site in 1983, and based upon the results of the RI/FS, EPA, in consultation with the State of New York, determined that the BEC Trucking site does not pose a significant threat to human health or the environment, and therefore, taking additional remedial measures is not appropriate. Accordingly, on September 28, 1989, EPA signed a Record of Decision (ROD) for this site, selecting "No Further Action." This alternative includes performing no further remedial action at the site to remove, remediate, or contain any contaminated soils. The ROD also calls for the development and implementation of a monitoring program to ensure that the selected remedy continues to be protective of human health and the environment, particularly with respect to the potential exposure pathways to the adjacent wetlands. The monitoring program includes the collection of surface-water, ground-water, and sediment samples along the western and northern margins of the site, and at various locations in the adjacent wetlands, during high- and low-flow conditions initially and again in five years.

Based upon the results from two sampling rounds in 1991 (which showed the contaminant concentration to be below the site action levels) and an environmental assessment, coupled with the results of the RI/FS, it was determined that significant migration of contaminants from the BEC Trucking site is not occurring.

Following the completion of the sampling and an environmental assessment during the fifth year, EPA will evaluate the results and determine whether any additional monitoring is necessary.

Because the "No Further Action" remedy does not result in hazardous substances (attributable to on-site activities) remaining on-site above health-based levels, the five-year review does not apply.

Having met the deletion criteria, EPA proposes to delete this site from the NPL. EPA and the State have determined that the response actions are protective of human health and the environment.

Dated: August 10, 1992

Constantina Sidamon-Eristoff,

Regional Administrator.

[FR Doc. 92-20032 Filed 8-21-92; 8:45 am]

BILLING CODE 6560-50-M