

191, subpart B, or to any uranium mill trailings pile after it has been disposed of under 40 CFR part 192, or to low energy accelerators.

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§ 61.101 [Amended]

3. Section 61.101 is amended by removing paragraph (e) and redesignating paragraphs (f) as (e).

§ 61.107 [Amended]

4. Section 61.107 is amended by removing and reserving paragraphs (c)(2) and (c)(3).

[FR Doc. 92-29209 Filed 11-30-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 300

[FRL-4537-8]

National Oil and Hazardous Substance Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete Pioneer Sand Company Site (Site) from the National Priorities List (NPL); request for comments.

SUMMARY: EPA, Region IV, announces its intent to delete the Site from the NPL and requests public comment on this action. The NPL constitutes part of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which is Appendix B of 40 CFR part 300. EPA and the State of Florida (State) have determined that all appropriate CERCLA actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments on the Notice of Intent to Delete the Site from the NPL should be submitted no later than December 26, 1992.

ADDRESSES: Comments may be mailed to: Ms. Patsy Goldberg, Remedial Project Manager, South Superfund Remedial Branch, Waste Management Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Comprehensive information on this Site is available through the EPA Region IV public docket, which is located at EPA's Region IV office and is available for viewing by appointment only from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays. Requests for

appointments or copies of the background information from the regional public docket should be directed to the EPA Region IV docket office.

The address for the regional docket office is: Ms. Debbie Jourdan, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone No.: (404) 347-2930.

Background information from the regional public docket is also available for viewing at the Site information repository located at the following address: West Florida Regional Library, 200 West Gregory Street, Pensacola, Florida.

FOR FURTHER INFORMATION CONTACT: Ms. Patsy Goldberg, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347-2643.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletions

I. Introduction

EPA, Region IV, announces its intent to delete the Site from the NPL, which constitutes appendix B of the NCP, and requests comments on this deletion. 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 Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the event that conditions at the site warrant such action.

EPA will accept comments concerning this Site for thirty (30) calendar days after publication of this notice in the **Federal Register**.

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 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), releases may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) EPA has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

In addition to the above, for all Remedial Actions which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, it is EPA's policy to review all remedial actions at a site (except operation and maintenance), and ensure that all appropriate action has been taken to ensure that the site remains protective of public health and the environment.

III. Deletion Procedures

EPA Region IV will accept and evaluate public comments before making a final decision to delete. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this Site:

(1) EPA, Region IV, and the State have agreed to conduct five-year reviews at this Site. (2) EPA, Region IV, has recommended deletion and has prepared the relevant documents. (3) The State has concurred with the deletion decision. (4) Concurrent with the National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate federal, state, and local officials, and other interested parties. (5) The Region has made all relevant documents available in the Regional Office and local Site information repository.

Deletion of a site from the NPL does not itself, create, alter, or revoke any individual rights or obligations. The NPL is designated primarily for information purposes and to assist Agency management. As mentioned in section II of this notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

The comments received during the notice and comment period will be evaluated before the final decision to delete. The Region will prepare a Responsiveness Summary, which will

address the comments received during the public comment period.

A deletion occurs after the EPA Regional Administrator places a document 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 IV.

IV. Basis for Intended Site Deletion

The following Site summary provides the Agency's rationale for the intention to delete this Site from the NPL.

The Site is located on Saufley Field Road five miles northwest of the City of Pensacola, Florida. The Site is an eleven (11) acre inactive sand mining facility. Seventy-five percent of the Site is an excavation pit, twenty-five percent is a fill area consisting of shredded auto parts, construction debris, and various industrial sludges and resins.

From the mid-1950's until 1978, the Site was used as a borrow area supplying construction sand. In 1974, a Class III disposal permit was granted for the disposal of inert materials such as construction debris. During this period, various types of phenol and resin compounds were deposited from Newport Industries (currently Reichhold Chemicals) and metal plating sludges from the Pensacola Naval Air Station. In 1981, the Florida Department of Environmental Regulation (FDER) revoked the permit and ordered a cessation of dumping at the Site. The Site was proposed for inclusion on the NPL in October 1981 and promulgated in September 1983.

In 1986, the EPA completed a Remedial Investigation and Feasibility Study (RI/FS). The results of the Remedial Investigation concluded that a wide variety of metal and volatile organic contaminants were found in the fill material. One monitoring well installed through the fill material had concentrations of metals in excess of the drinking water standard. None of the off-site monitoring wells had any contamination attributable to the Site.

The Record of Decision (ROD), issued by EPA, Region IV, on September 26, 1986, selected alternatives consistent with the recommendation in the Feasibility Study. The alternative selected included the following: A fill area cover system, leachate collection, treatment in a limestone reactor with on-site disposal, sludge pond water treatment, a cover system for the sludge pond waste, and Operation and Maintenance (O&M) activities. The O&M activities include ground-water monitoring, maintenance of the cap, operating a leachate collection and

treatment system, and operating a gas monitoring system. O&M will continue for twenty (20) years after the start of Remedial Action.

A Consent Decree between the United States and a Potentially Responsible Party was entered in the U.S. District Court in 1988.

Remedial activities began in December 1990. Construction was completed in July 1991. Remedial activities at the site included sludge stabilization, leachate collection trench construction, synthetic cover installation, and gas venting and collection system installation. Approximately 7,547 cubic yards of sludge were stabilized.

EPA community relations activities at the Site included a public meeting held in 1986 announcing the Agency's Proposed Plan for Remediation at the Site. Public comments received during a 30-day comment period were received and addressed in the Responsiveness Summary. This document was included as an appendix to the ROD. The EPA issued a press release in the local newspaper in the spring of 1990, notifying the public that the Remedial Design phase of the project was completed. In the fall of 1990, EPA representatives met informally with local residents to explain upcoming Remedial Action activities. Throughout the construction period, nearby residents were kept informed as to project schedules and potential temporary construction nuisances. EPA and FDER conducted television and newspaper interviews during the Remedial Action Construction Thirty Percent Completion Inspection and Remedial Action Construction Final Inspection. The Agency received no comments as a result of the airing of the television interviews or the publishing of the interviews in the local newspaper.

The Agency for Toxic Substances and Disease Registry (ATSDR) reviewed and commented on the RI/FS documents from 1983 through 1986. ATSDR also commented on the ROD in 1986. In 1986, EPA requested that the ATSDR review additional soil samples from the Site. ATSDR reported in a memo dated July 23, 1986, that although PCBs were found on-site in soil samples, the highest levels found were below the range where substantial human uptake had been reported. In addition, PCBs were not found in the aquifer or in leachate. The ATSDR memo also concluded that the on-site health risk from PCBs will be quite small following the proposed remedial actions, and the health risk off-site from PCBs is insignificant.

Although not specified in the ROD, institutional controls have been made part of O&M for the Site. A Conservation Easement has been filed with the County of Escambia, Florida. This legal document allows EPA or the State to enforce deed restrictions on the Site property. In addition, a fence has been constructed to limit access to the Site. Finally, signs have been posted along the fence identifying the property as a Superfund Site. A five-year review of the Site is scheduled for December 1995. In accordance with Directive 9355.7-02, EPA, Region IV, and the State will develop a work plan to conduct five-year reviews at this Site. Based on O&M first year quarterly ground-water sampling results, EPA and the State find that the remedy continues to provide adequate protection of human health and the environment.

EPA, with concurrence of the State, has determined that all appropriate Fund-financed responses under CERCLA at the Site have been completed, and that no further cleanup by responsible parties is appropriate.

Dated: November 19, 1992.

Patrick M. Tobin,

*Acting Regional Administrator, USEPA
Region IV.*

[FR Doc. 92-28810 Filed 11-25-92; 8:45 am]

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40 CFR Parts 414 and 455

[FRL 4540-6]

Organic Chemicals, Plastics and Synthetic Fibers Category and Pesticide Chemicals Manufacturing Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is considering revising its determination, in the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) effluent limitations guidelines and standards that phenol and 2,4-dimethylphenol pass through publicly owned treatment works (POTWs). This notice grows out of comments on a December 6, 1991 proposal published by EPA in response to a remand by the Fifth Circuit Court of Appeals of portions of the OCPSF guidelines. Specifically, EPA is considering applying scientific and engineering judgment in conjunction