

Dated: February 1, 1995.

John Wise,

Acting Regional Administrator.

[FR Doc. 95-3376 Filed 2-9-95; 8:45 am]

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40 CFR Part 52

[TN-139-1-6667b; FRL-5141-1]

Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Revision to New Source Review, Construction and Operating Permit Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Tennessee for the purpose of bringing the State's new source review (NSR) regulations into compliance with the 1990 amendments to the Clean Air Act (CAA) and the Federal regulations. In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by March 13, 1995.

ADDRESSES: Written comments should be addressed to: Ms. Karen Borel, at the Regional Office Address listed.

Copies of the material submitted by the State of Tennessee may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Tennessee Division of Air Pollution Control, 701 Broadway, Customs House,

4th floor, Nashville, Tennessee 37247-1531.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555, ext 4197. Reference file TN-139-1-6667b.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: January 9, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-3333 Filed 2-9-95; 8:45 am]

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40 CFR Part 300

[FRL-5152-2]

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

AGENCY: Environmental Protection Agency.

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

SUMMARY: EPA, Region IV, announces its intent to delete the Wilson Concepts Superfund Site (Site) in Pompano Beach, Broward County, Florida, from the NPL and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Florida (State) have determined that all appropriate response actions under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State have determined that the remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments on the proposed deletion from the NPL should be submitted no later than March 13, 1995.

ADDRESSES: Comments may be mailed to Olga Perry, Remedial Project Manager, South Superfund Remedial Branch, Waste Management Division, U.S.

Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, GA 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 from 9:00 a.m. to 4:00 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) 347-5059, ext. 6217.

Background information from the regional public docket is also available for viewing at the Site information repository located at the Broward County Main Library, Government Documents, 100 South Andrews Avenue NE., Fort Lauderdale, Florida 33301.

FOR FURTHER INFORMATION CONTACT: Ms. Olga Perry, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347-2643, ext. 6249.

SUPPLEMENTARY INFORMATION:

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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 proposed 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 Substances Superfund (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 unlikely event that conditions at the site warrant such action.

EPA will accept comments concerning this Site until March 13, 1995.

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) Responsible or other parties have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further cleanup by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

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, has recommended deletion and has prepared the relevant documents. (2) The State has concurred with deletion decision. (3) Concurrent with this 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. (4) 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 document, 40 CFR 300.425(e)(3) provides 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, if necessary, which will address any comments received during the public comment period.

A deletion occurs when the EPA Regional Administrator publishes a notice 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 summary provides the Agency's rationale for the intent to delete this Site from the NPL.

The Wilson Concepts Site occupies approximately two acres in a highly industrialized section of northeastern Broward County, Pompano Beach, Florida. Associated operations at the facility included precision machining, drilling, and milling of metal parts, vibratory deburring, degreasing, steam cleaning, and spray coating of parts. A variety of chemicals were used, including organic solvents, chlorinated solvents, petroleum products, paints, cyanides, acids, and bases.

From 1976 through 1989, several inspections were conducted by Broward County Environmental Quality Control Board (BCEQCB) which documented poor waste handling practices, including discharge of industrial wastes onto the ground. Raw materials usage at the Site was documented on two occasions over a period of 10 years. In the early 1980's, possibly as early as 1981, Wilson Concepts submitted a hazardous materials inventory list to the BCEQCB. The chemicals used at the Site included a variety of hydraulic and lubricating oils, metal protection agents, water coolants, methylene chloride, methyl ethyl ketone, and chemical cleaners (possibly corrosives). In August 1985, EPA conducted a Preliminary Assessment of the Site and in July 1986 requested its contractor, NUS, to perform a Sampling Investigation. The results of this sampling caused the Site to be proposed for the NPL in July 1988. In March 1989, the Wilson Concepts Site, of Florida, was formally included on the NPL.

The Remedial Investigation (RI) was conducted in two phases, phase I in 1990 and phase II in 1991. The groundwater contaminant levels detected at the Site during the RI were much lower than those detected during the Site Listing Investigation (SLI). Most of the contamination consisted of organic compounds which easily evaporate and/or naturally degrade. Trichloroethylene was detected in two monitoring wells during the first sampling event but was not detected above groundwater standards in phase II, indicating that no distinct groundwater contaminant plume existed. Chromium and strontium along with low levels of organics including toluene were detected in Site soils. Chromium was observed in two

locations in subsurface soils at elevated levels. Though similar organic contaminants were detected during the RI, the concentrations were much lower than previously detected and were within the range considered by EPA to be safe for human exposure. It is possible that the organic contamination was reduced by natural attenuation.

The Record of Decision (ROD), issued by EPA, Region IV, on September 22, 1992 selected alternatives consistent with the recommendation in the Feasibility Study. The remedy is a "No Action" remedy which included monitoring of on-site ground water, quarterly, for a one-year period to confirm the appropriateness of the no action remedy.

The EPA community relations activities at the Site included a public meeting in July 28, 1992 to present to the public 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. The major concerns included the Site's affect on local wells and water bodies, residual dangers from the Site, what has happened to the contaminant concentrations that allowed the Site to be placed on the National Priorities List, how the monitoring will be conducted and what will happen when the monitoring is completed. The Responsiveness Summary was included as an appendix to the ROD.

A Post ROD Project Operations Plan for the Site was completed on May 25, 1993. Field work for Post ROD ground water monitoring begin on June 21, 1993, and was completed on July 18, 1994. Post ROD ground water monitoring confirmed that Site related contaminants had declined in concentration and are below maximum contaminant levels (MCLs). Sporadic detections of iron, manganese and aluminum do not appear site related. During the Remedial Investigation drums were left on the Site. Those drums since have been sampled. No contaminants of concern were detected in either the drummed soil or aqueous samples. The Agency for Toxic Substances and Disease Registry (ATSDR) completed a health assessment for the Site in May, 1990. ATSDR reviewed the surface water and ground water data and recommended that the Site should not be considered for follow-up health studies due to no present exposure to population.

No institutional controls are necessary for the Site. A five-year ground water review will not be conducted because contaminants of concern have achieved levels below MCLs, which was verified

through Post ROD monitoring. These levels indicated that no future threats to the public health or environment exist. EPA and the State find that the remedy continues to provide adequate protection of human health and the environment. Therefore, EPA proposes to delete the Site from the NPL.

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

Dated: February 2, 1995.

Patrick M. Tobin,

*Acting Regional Administrator, USEPA
Region IV.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 649, 650 and 651

[I.D. 020395B]

New England Fishery Management Council; Public Meetings and Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public meetings and hearings.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day public meeting and hearing to consider actions affecting the New England fisheries in the exclusive economic zone (EEZ).

DATES: The meetings are scheduled as follows:

1. February 15, 1995, 10 a.m.
2. February 16, 1995, 8:30 a.m.

ADDRESSES: The meetings will be held at King's Grant Inn, Route 128 and Trask Lane, Danvers, MA 01923; telephone: 508-774-6800.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906, telephone: 617-231-0422.

SUPPLEMENTARY INFORMATION:

Wednesday, February 15, 1995

The meeting will begin with a report on the 19th Northeast Regional Stock Assessment Workshop. Information concerning Gulf of Maine cod and Gulf of Maine/Georges Bank white hake will be presented. Following the stock

assessment report, the Council's Northeast Multispecies Groundfish Committee (Groundfish Committee) will present an update on the development of Framework Adjustment 9 to the Fishery Management Plan (FMP) for the Northeast Multispecies Fishery that would permanently extend the groundfish emergency rule and its amendment, which are currently in effect, with some modifications (see below).

As part of Amendment 7 to the FMP for the Northeast Multispecies Fishery, the Council will discuss the recommendations of the Groundfish Committee to protect overfished groundfish stocks. These may include time/area closures, catch quotas, the impacts of fishing effort displacement, Canadian harvest of transboundary stocks, and other measures. The discussion of Amendment 7 may continue through the afternoon.

If time is available during the afternoon reports will be given by the Council Chairman; Council Executive Director; Director, Northeast Region, NMFS (Regional Director); Northeast Fisheries Science Center Liaison; Mid-Atlantic Fishery Management Council Liaison; and a representative from the U.S. Coast Guard.

Any remaining reports will be covered on Thursday, February 16, 1995, in the morning.

Thursday, February 16, 1995

The Lobster Committee will present recommendations on the management strategies drafted by its Effort Management Teams for inclusion in Amendment 6 to the FMP for the American Lobster Fishery. The Lobster Committee will also initiate action on a framework adjustment to address criteria for limited access permits (see below).

The Sea Scallop Committee will finalize a framework adjustment to the FMP for the Atlantic Sea Scallop Fishery in which the Council proposes to allow only limited use of nets to harvest sea scallops and to restrict the size of twine tops used in sea scallop dredges. Any other relevant business will be addressed at the end of the discussion on the framework adjustment for sea scallops.

Abbreviated Rulemaking Action—Northeast Multispecies

The Council will consider final action on Framework Adjustment 9 to the FMP for the Northeast Multispecies Fishery under the framework procedure for abbreviated rulemaking contained in 50 CFR 651.40. At its December 7 and 8, 1994, meetings, the Council announced

that it would initiate a framework adjustment that would permanently implement the emergency interim rule and the amendment to the emergency interim rule now in place for 3 months, with some modifications. These emergency actions close areas of Georges Bank and southern New England to all fishing and scalloping, with some stated exceptions, prohibit the possession of regulated multispecies finfish, and limit the possession of certain other species when using small-mesh nets. The public is invited to comment. If the Regional Director concurs with the Council's recommendations on Framework Adjustment 9, he could publish them as a proposed or a final rule in the **Federal Register**.

Abbreviated Rulemaking Action—Atlantic Sea Scallops

The Council will consider final action on an adjustment to the FMP for the Atlantic Sea Scallop fishery under the framework procedure for abbreviated rulemaking contained in 50 CFR 650.40. The Council proposes to allow only limited use of nets to harvest sea scallops and to restrict the size of twine tops used in sea scallop dredges. There will be final decisions on the issues of continued fishing during the permit appeals process, the use of nets while fishermen are not in the days-at-sea program, and final specification of the twine top restriction. This framework was reviewed at the December 7 and 8, 1994, and January 11 and 12, 1995, Council meetings, but comments from the public will again be accepted on February 16, 1995. If the Regional Director concurs with the Council's recommendations on this framework adjustment, he could publish them as a proposed or a final rule in the **Federal Register**.

Abbreviated Rulemaking Action—American Lobster

The Council will consider initial action on an adjustment to the American Lobster FMP under the framework procedure for abbreviated rulemaking contained in 50 CFR 649.43. At its January 11 and 12, 1995, meeting, the Council announced that it would initiate a framework adjustment that would modify eligibility criteria for lobster limited access permits to address the following circumstances: (1) The eligibility of fishermen who fished for lobsters in the EEZ prior to the January 9, 1991, control date, but who did not have a Federal lobster permit; (2) permit holders who leased their federally endorsed lobster permits to another person; (3) a captain with a federally