

**PART 1191—AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES**

1. The authority citation for 36 CFR part 1191 continues to read as follows:

Authority: 42 U.S.C. 12204.

**§ 1191.2 [Revised]**

2. Section 1191.2 is revised to read as set forth at the end of the common preamble.

Authorized by vote of the Access Board on February 23, 1996.

John H. Catlin,

*Chairman, Architectural and Transportation Barriers Compliance Board.*

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**49 CFR Part 37**

List of Subjects in 49 CFR Part 37

Buildings and facilities, Buses, Civil rights, Individuals with disabilities, Mass transportation, Railroads, Reporting and recordkeeping requirements, Transportation.

Authority and Issuance

For the reasons set forth in the common preamble, part 37 of title 49 of the Code of Federal Regulations is proposed to be amended as follows:

**PART 37—TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)**

1. The authority citation for 49 CFR part 37 continues to read as follows:

Authority: The Americans with Disabilities Act of 1990 (42 U.S.C. 12101–12213); 49 U.S.C. 322.

**§ 37.15 [Revised]**

2. Section 37.15 is revised to read as set forth at the end of the common preamble.

Dated: April 5, 1996.

Nancy E. McFadden,

*Acting Secretary of Transportation.*

[FR Doc. 96–8974 Filed 4–11–96; 8:45 am]

BILLING CODES 4410–01–P, 8150–01–P, 4910–62–P]

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[FRL–5453–9]

**National Oil and Hazardous Substances Pollution Contingency Plan, National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete Liquid Gold Oil Corporation Site (EPA ID# CAT000646208) from the National Priorities List, request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 9 announces its intent to delete the Liquid Gold Oil Corporation Site (the Site) in Richmond, California, from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 400 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 (CERCLA) of 1980, as amended. EPA and the State of California Department of Toxic Substances Control have determined that the Site poses no significant threat to human health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

**DATES:** Comments concerning the proposed deletion of this Site from the NPL may be submitted by May 13, 1996.

**ADDRESSES:** Comments may be mailed to: Keith Takata, Director, Superfund Programs, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

Comprehensive information on this Site is available through the EPA Region 9 public docket which is located at EPA Region 9's Superfund Records Center, at the address above, and is available for viewing between 8 a.m. and 5 p.m., Monday through Friday, excluding holidays. Additional information on the Liquid Gold Superfund Site, including that contained in the public docket, is also available for viewing at the Site repository located at: State of California, Department of Toxic Substances Control, 700 Heinz Avenue, 2nd floor, Berkeley, CA 94710–2737.

**FOR FURTHER INFORMATION CONTACT:**

Andrew Lincoff, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744–2245

or

Ben Hargrove, Department of Toxic Substances Control, 700 Heinz Avenue, 2nd floor, Berkeley, CA 94710–2737, (510) 540–3845.

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

The Environmental Protection Agency (EPA), Region 9, announces its intent to delete the Liquid Gold Oil Corporation Site, located in Richmond, California, from the National Priorities List (NPL) and requests comments on this deletion. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. EPA identifies sites that present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of those sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this Site for thirty 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 the Liquid Gold Oil Corporation Site and explains how the Site meets the deletion criteria.

**II. NPL Deletion Criteria**

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL when no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other parties have implemented all appropriate response actions required; or

(ii) All appropriate response under CERCLA has been implemented and no further action 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.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and

unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. Consistent with the Operations and Maintenance Plan for the site, the State of California Department of Toxic Substances Control will oversee the five-year review of this final remedy in January, 1999. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Wherever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

### III. Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) EPA Region 9 has recommended deletion and has prepared the relevant documents; (2) The State of California has concurred with the proposed deletion decision; (3) A notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and (4) All relevant documents have been made available for public review in the local Site information repository.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in Section II of this Notice, § 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions.

For deletion of this Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received.

A deletion occurs when the Regional Administrator places a final notice in the Federal Register. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to interested parties by the Regional Office.

### IV. Basis for Intended Site Deletion

#### A. Site Background

The Liquid Gold Oil Corporation Superfund Site is located in the City of Richmond, Contra Costa County, California, west of Interstate 580 and southwest of the Bayview West interchange. The Site is bounded by Hoffman Marsh on the east and southeast, and by drainage channels connecting to San Francisco Bay on the west and southwest. The area of the Site is approximately 18 acres.

The Site is currently fenced and unoccupied. Current and expected future zoning of the Site permits only commercial and industrial uses. Land use restrictions selected as part of the Site remedy will also permit only non-residential uses in the future.

#### B. History

The Site is owned by Southern Pacific Transportation Company ("SPTCo") and was leased to several tenants from the 1940s to the early 1980s. An asphalt manufacturing plant was operated on the Site in the 1940s and '50s. Later the Site was leased to the Liquid Gold Oil Corporation ("Liquid Gold"), which operated an oil and solvent collection, storage and transfer facility. In the 1970s and early '80s, investigations by the San Francisco Bay Regional Water Quality Control Board and the U.S. Coast Guard documented spills of oil and chemicals at the Site. Liquid Gold cleaned up some surface spills after ceasing operations in 1980, and then abandoned the facility. The Site was placed on the California State Superfund List in January 1983, and on the NPL in September, 1983.

The property owner, SPTCo, performed a number of interim response actions prior to and after California and NPL listing. These actions included the removal and off-site disposal of 25 bulk storage tanks in 1982 and '83; the removal and off-site disposal of 73 drums of hazardous waste in 1984; the excavation and off-site disposal of 760 cubic yards of contaminated soil; and the demolition of remaining site buildings and off-site disposal of the demolished buildings along with some asbestos contaminated debris, in 1989. On January 13, 1988, DTSC issued a Consent Order to SPTCo requiring completion of an RI/FS for the Site.

#### C. Characterization of Risk

Site investigations included sampling and analysis of surface and subsurface soils, groundwater, surface water, and marsh sediments. The soils at the Site consist of 5-10 feet of fill material over the original bay mud. The contaminants

of potential concern which remained in soils were lead and polycyclic aromatic hydrocarbons ("PAHs"). Average lead levels across the Site were low (42 ppm) and were well below the most stringent health-based levels for residential use by children (370 ppb). One subsurface area of approximately 5 acres in the center of the Site contains elevated lead levels. The average lead concentration in this area was 400 ppm. The average lead concentration in the most contaminated layer (5-6.5 feet below ground surface) was 1,000 ppm. This area also has the highest PAH levels onsite with an average of approximately 5 ppm. This area was identified as the area of concern for the analysis of risks and remedial alternatives. PAH levels for the rest of the Site were generally not detectable.

Due to the Site's proximity to San Francisco Bay, the groundwater at the Site is naturally saline and is not a source of drinking water under state or federal law. Average concentrations of copper, lead, and nickel exceeded the State basin plan marine chronic water quality objectives by roughly a factor of two.

The ecological assessment found evidence of biological stress in at least one drainage channel leading away from the Site. The resource agencies believed that there was also sufficient evidence to demonstrate biological stress in another drainage channel. Although chemical analyses did not clearly establish a link with Site contaminants, the resource agencies believed that the makeup of the biological communities in these areas was indicative of petroleum contamination.

The human health risk assessment demonstrated that the interim remedial measures performed at the Site had reduced the level of contamination to acceptable levels for all uses permitted under current zoning. Contaminant levels are also acceptable for trespassing children. The risk assessment also considered the safety of a hypothetical residential development even though residential development would not be permitted under current zoning and is not expected to occur. The results indicate that lead concentrations, particularly in subsurface soils in the area of concern, could cause unacceptable non-carcinogenic risks if childhood residential exposure were to occur (using an uptake-biokinetic model derived criteria of 370 ppm). However, the maximum lifetime cancer risk levels are within EPA's range of acceptable risk under both residential and commercial scenarios.

#### D. Remedial Actions

In February, 1993 DTSC released a proposed plan and final RI/FS for the Site.

The major components of the proposed remedy included:

- A deed restriction prohibiting residential development;
- Grading, addition of soil, and seeding to control runoff patterns;
- Groundwater monitoring for a minimum of five years; and
- Removal of sediments and debris from two drainage channels leading to the adjacent marsh to mitigate possible past adverse impacts from Liquid Gold.

A public meeting was held on March 30, 1993 to describe the proposed remedy and receive comments. The Record of Decision for the Site was issued by EPA on June 21, 1993 and selected the proposed remedy without change. It was determined that the selected remedy would provide overall protection of human health and the environment, comply with Applicable or Relevant and Appropriate Requirements of federal and state environmental laws, and provide the best overall balance of alternatives under the nine selection criteria of Section 300.430(f) of the NCP.

A preliminary design meeting and Site inspection by regulatory agencies occurred on August 13, 1993. The Draft Design Report was submitted on October 12, 1993. Design approval was given by DTSC on January 11, 1994. Construction began on July 5, 1994. Grading, placement of clean fill, and excavation of marsh sediments were completed, followed by the planting of native grasses and shrubs on the new cap. An initial inspection was performed by regulatory agencies on February 2, 1995 and additional sampling and minor cap repair were required. The final Site inspection occurred on July 28, 1995. The State certified completion of the remedy by letter dated August 14, 1995.

#### E. Community Relations Activities

Four fact sheets have been released describing activities at the Site. In February, 1993, DTSC released a proposed plan and RI/FS for the Site. Site documents were made available at the lead agency offices and a local repository, and a public notice was published allowing 30 days for public comment on the RI/FS and Proposed Plan. A public meeting was held on March 30, 1993 to describe the proposed remedy and receive comments. Four members of the public asked questions at the public meeting, and two written

comments were received from the community. The comments were favorable. DTSC responded to all comments received during this period, which were primarily from other State agencies. A fact sheet describing the remediation was released approximately 30 days prior to the initiation of construction. Finally, a public notice of this proposed deletion is being published concurrently in a local newspaper.

#### F. Summary of Operation and Maintenance

The Operations and Maintenance Plan was finalized on July 24, 1995. The plan provides for routine monitoring, inspection and maintenance of the vegetated cap, fencing and groundwater wells, and submission of reports. The plan also provides for inspection of the marsh channels and biological testing.

The deed restriction for the Site, which prohibits residential use, was signed on July 25, 1995 and recorded on September 13, 1995. Southern Pacific provided financial assurance of its ability to perform long-term O&M at the Site to the State on September 19, 1995.

SPTCo. has been required to monitor and report the quality of groundwater in sixteen wells quarterly. Results to date consistently indicate that contaminants, including metals, are not moving offsite through groundwater.

#### G. Protectiveness

All the completion requirements for this Site have been met as specified in OSWER Directive 9320.2-09, "Close Out Procedures for National Priorities List Sites." Specifically, all cleanup actions specified in the ROD have been implemented. The human health risk assessment performed during the remedial investigation demonstrated that prior response measures performed at the Site had reduced the level of contamination to acceptable levels for all uses permitted under current zoning. A deed restriction prohibiting residential use is in place. Ongoing confirmatory groundwater and marsh biological sampling and capping with clean soil provide further assurance that the Site no longer poses a threat to human health or the environment. The only remaining activities to be performed are Operations and Maintenance which will be performed by the property owner under a written agreement with the State, pursuant to a State Order.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "responsible parties or other parties have implemented all appropriate response actions required."

EPA, with the concurrence of the California Department of Toxic Substances Control, believes that this criterion for deletion has been met. Consequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available in the Regional NPL Docket.

Dated: March 12, 1996.

Felicia Marcus,

*Regional Administrator.*

[FR Doc. 96-9165 Filed 4-11-96; 8:45 am]

BILLING CODE 6560-50-P

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 630

[I.D.040896C]

#### Atlantic Swordfish Fisheries; Public Hearings

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

**ACTION:** Public hearings; request for comments.

**SUMMARY:** NMFS will hold four public hearings to receive comments from fishery participants and other members of the public regarding proposed amendments to regulations governing the Atlantic swordfish fisheries. The proposed rule would: Reduce the total allowable catch to 2,625 metric tons dressed weight via a split season (June 1 - May 31), decrease the minimum size to 73 cm (29 inches) cleithrum to caudal keel measure and eliminate the trip allowance for undersized fish, and make technical changes to ensure consistency of regulations.

To accommodate people unable to attend a hearing or wishing to provide additional comments, NMFS also solicits written comments on the proposed rule.

**DATES:** See **SUPPLEMENTARY INFORMATION** for dates and times of the public hearings. Written comments on the proposed rule must be received on or before May 2, 1996.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** for the public hearing locations. Written comments should be sent to William Hogarth, Acting Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. Clearly mark the outside of the