

The **Federal Register** published on March 20, 1995 at 60 FR 14641, announced a notice of policy statement entitled "The National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion Policy for Resource Conservation and Recovery Act Facilities". According to the notice, a National Priorities List site may be eligible for deletion based upon deferral to RCRA corrective action authorities if a site satisfies the following four criteria:

1. If evaluated under EPA's current RCRA/NPL deferral policy, the site would be eligible for deferral from listing on the NPL.

2. The CERCLA site is currently being addressed by RCRA corrective action authorities under an existing enforceable order or permit containing corrective action provisions.

3. Response under RCRA is progressing adequately.

4. Deletion would not disrupt an ongoing CERCLA response action.

The first criterion requires that the site meet requirements of eligibility for RCRA/NPL deferral. The RCRA/NPL deferral policy as cited in the March 20, 1995 **Federal Register** provides that RCRA facilities subject to RCRA Subtitle C corrective action requirements may be deferred from listing on the NPL. Monsanto's Hazardous Waste Facility Permit HW-074(S) contains HSWA provisions for the investigation and corrective action of releases from solid waste management units and provides conditions for corrective action of contaminated groundwater. Thus, the facility is and will be subject to Subpart C corrective action requirements until cleanup of contamination is complete.

The second criterion requires that the site be addressed by RCRA corrective action authorities under an existing permit or order. Hazardous Waste Facility Permit HW-074(S) was issued to the Monsanto Company by the Georgia EPD's Hazardous Waste Management Branch in August of 1989 and subsequently modified in September of 1991 to incorporate the corrective action of contaminated groundwater resulting from the disposal of the Arsenic trisulfide sludge in the two onsite landfills. Requirements stated within the corrective action permit are consistent with the remedy stated in the 1991 CERCLA Record of Decision.

The third criterion evaluates whether response under RCRA is progressing adequately. This criterion is met with a letter dated 27 May 1997 from Mr. Jim Ussery, Program Manager of the Georgia EPD's Hazardous Waste Management Branch to Mr. Mario Villamarzo of EPA.

The contents of the letter indicate that corrective action has been effective in remediating contamination and that Monsanto has been very cooperative and pro-active in meeting the requirements of their corrective action permit.

The fourth criterion evaluates whether deletion of a site from the NPL would disrupt an on-going CERCLA response. The groundwater cleanup that is occurring under CERCLA is essentially the same as the RCRA Corrective Action Program, therefore, delisting would not disrupt any ongoing CERCLA response action.

In summary, the Monsanto Superfund site easily meets all the criteria for deletion from the NPL based on RCRA deferral. This site is being addressed adequately under the Hazardous Waste Facility Permit enforced by the Georgia EPD. All parties involved approve of this action (see attached Documentation Record) which will have no adverse affects to any ongoing groundwater extraction or monitoring scheduled to take place at the Monsanto Superfund site. Since all waste has been removed from the site, a five year review will not be required in the future.

EPA, with concurrence of the Georgia Environmental Protection Division, has determined that all appropriate response under the Comprehensive Environmental Response Compensation and Liability Act have been completed, and that no further action by responsible parties is necessary. Therefore, EPA proposes to delete the Site from the NPL and requests public comments on the proposed deletion.

Dated: September 15, 1997.

Phyllis P. Harris,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 4.
[FR Doc. 97-26193 Filed 10-3-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5898-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent for partial deletion of the Prewitt Abandoned Refinery Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency

("EPA") Region 6 announces its intent to delete the surface portion of the Prewitt Abandoned Refinery Superfund Site ("Site") from the National Priorities List ("NPL") and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). This partial deletion of the Site is proposed in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. (60 FR 55466, November 1, 1995).

This proposal for partial deletion pertains to the surface portion, which includes all surface soils and former separator area and does not pertain to the subsurface portion (ground water and subsurface soils) of the Site. The subsurface portions of the Site will remain on the NPL, and response activities will continue at that portion. The Responsible Parties have implemented all appropriate response actions required for the surface portion of the Site. EPA bases its proposal to delete this portion of the Site on the determination by EPA, the State of New Mexico, through the New Mexico Environment Department ("NMED") and the Navajo Nation through the Navajo Nation Superfund Office ("NSO"), that all appropriate actions under CERCLA have been implemented to protect human health, welfare and the environment for the surface portion of the Site.

DATES: The EPA will accept comments concerning its proposal for partial deletion until November 5, 1997.

ADDRESSES: Comments may be mailed to: Ms. Olivia Balandran, Community Relations Coordinator, U.S. EPA, Region 6 (6SF-PO), 1445 Ross Avenue, Dallas, Texas 75202-2733, 1-800-533-3508 or (214) 665-6484.

Information Repositories: Comprehensive information on the Prewitt Abandoned Refinery Site as well as information specific to this proposed partial deletion is available for review at EPA's Region 6 office in Dallas, Texas. The Administrative Records for Prewitt Abandoned Refinery Site and the Deletion Docket for this partial deletion are maintained at the following Prewitt Abandoned Refinery Site document/information repositories:

U.S. EPA, Region 6, Library, 12th Floor (6MD-II), 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6424 or

665-6427, Hours of Operation: M-F 8:00 a.m. to 4:30 p.m.
 Prewitt Fire House, PO Box 472,
 Prewitt, New Mexico 87045, (505)
 876-4068.
 New Mexico Environment Department,
 1190 St. Francis Dr., Santa Fe, New
 Mexico 87502, (505) 827-2908, Hours
 of Operation: M-F 8:30 a.m.-5:00
 p.m.
 Navajo Nation Superfund Office, 43
 Crest Road, St. Michaels, AZ 86511,
 (520) 871-6859, Hours of Operation:
 M-F 8:00 a.m.-5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Ms. Monica Smith, Project Manager,
 U.S. EPA, Region 6 (6SF-PB), 1445 Ross
 Avenue, Dallas, Texas 75202-2733,
 (214) 665-6780.

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I. Introduction

The USEPA Region 6 announces its intent to delete a portion of the Prewitt Abandoned Refinery Superfund Site ("Site") located in, Prewitt, McKinley County, New Mexico from the NPL, which constitutes Appendix B of the NCP, 40 CFR Part 300, and requests comments on this proposal. This proposal for partial deletion pertains to the surface portion of the Site, which consists of all surface soils and the former separator area. The Site is bounded on the south by Interstate Highway 40. Tracks owned and operated by the Burlington Northern, Santa Fe Railway run through the northern part of the Site. Old U.S. Highway 66 runs through the middle of the Site.

The El Paso Natural Gas Company ("EPNG") and Atlantic Richfield Company ("ARCO") are the Responsible Parties for this Site. The Responsible Parties have implemented all appropriate response actions required for the surface portion of the Site. Based on the completion of the response actions for the surface portion of the Site, on January 23, 1997, EPA notified the Responsible Parties that the Remedial Action for the surface soils had been completed. EPA proposes to delete the surface portion of the Site because all appropriate CERCLA response activities have been completed for that portion of the Site. However, response activities for the subsurface

portion of the Site are not yet complete; thus, the subsurface portion of the Site will remain on the NPL and is not the subject of this partial deletion.

The NPL is a list maintained by EPA of sites that EPA has determined have the highest priority releases of hazardous substances, pollutants, or contaminants under the criteria established by CERCLA and the National Contingency Plan (NCP). Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund ("Fund"). Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if conditions at the site warrant such action.

EPA will accept comments concerning its intent for partial deletion for thirty (30) days after publication of this notice in the **Federal Register**, the Gallup Independent, the Albuquerque Journal, and the Navajo Times.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA 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 to protect public health or the environment. In making such a determination pursuant to § 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required; or

Section 300.425(e)(1)(ii). All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

Section 300.425(e)(1)(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.

Deletion of a portion of a site from the NPL does not preclude eligibility for subsequent Fund-financed action at the area deleted if future site conditions warrant such action. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities at areas not deleted and remaining on the NPL. In addition, deletion of a portion of a site from the NPL does not affect the liability of

responsible parties or impede Agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

The following procedures were used for the proposed deletion of the surface portion of the Site:

(1) EPA has recommended the partial deletion and has prepared the relevant documents.

(2) The State of Mexico through NMED concurred by letter dated November 12, 1996, with this partial deletion.

(3) The Navajo Nation through the NSO concurred by letter dated March 4, 1997, with this partial deletion.

(4) Concurrent with this national Notice of Intent for Partial Deletion, a notice has been published in the Gallup Independent, the Albuquerque Journal, and Navajo Times which are major local newspapers of general circulation and a notice has been distributed to appropriate Federal, State, and local officials, and other interested parties. These notices announce a thirty (30) day public comment period on the deletion package, which commences on the date of publication of this notice in the **Federal Register** and in the newspaper.

(5) EPA has made all relevant documents available at the information repositories listed above in this notice.

This **Federal Register** notice, and a concurrent notice in the newspaper, announce the initiation of a thirty (30) day public comment period and the availability of the Notice of Intent for Partial Deletion. The public is asked to comment on EPA's proposal to delete the surface portions of the Site from the NPL. All critical documents needed to evaluate EPA's decision are included in the Deletion Docket and are available for review at the information repositories.

Upon completion of the thirty (30) day public comment period, EPA will evaluate all comments received before issuing the final decision on the partial deletion. EPA will prepare a Responsiveness Summary for comments received during the public comment period and will address concerns presented in the comments. The Responsiveness Summary will be made available to the public at the information repositories listed above. Members of the public are encouraged to contact Ms. Smith at EPA Region 6 to obtain a copy of the Responsiveness Summary. If, after review of all public

comments, EPA determines that the partial deletion from the NPL is appropriate, EPA will publish a final notice of partial deletion in the **Federal Register**. Deletion of the surface portion of the Site does not actually occur until the final Notice of Partial Deletion is published in the **Federal Register**.

IV. Basis for Intended Partial Site Deletion

The following provides EPA's rationale for deletion of the surface portion of the Site from the NPL and EPA's finding that the criteria in 40 CFR 300.425(e) are satisfied:

Background

The Prewitt Abandoned Refinery Site once contained an abandoned crude oil refinery. The Site occupies approximately 70 acres located near the town of Prewitt, New Mexico. The area in which the Site is located is rural, with a cluster of four homes about one thousand feet east of the Site. Contamination at the Site originated from the refinery operations which began in 1938 and ended in July 1957. The contaminants of concern with regard to the Site surface include, lead, asbestos, benzo(a)pyrene, benzo(a)anthracene, benzene, toluene, xylene, and ethylbenzene. The main processing units at the refinery were a distillation plant, a thermal cracker, and a reformer. Auxiliary facilities at the refinery included crude storage tanks, intermediate storage tanks, final product storage tanks, product caustic washing facilities, boilers, power generation station, heaters, cooling towers, receiving and loadout facilities; lead additive stations; maintenance facilities, laboratory facilities, and an office.

Crude oil was delivered to storage tanks at the Site. From the crude oil storage tanks the raw material was pumped to the distillation tower where various fractions were recovered from various levels of the tower, based upon boiling point.

Wastes spilled or disposed of at the Site include leaded tank bottoms which have been listed as a hazardous waste by EPA in 40 CFR Part 261, pursuant to its authority under Section 3001 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6921, as hazardous waste number K052, leaded tank bottoms from the petroleum refining industry. Other such RCRA listed hazardous wastes, spilled or disposed of at the Site, include slop tank contents (K049), primary separator sludges (FO37), and secondary separator sludges (FO38). These wastes exhibit the characteristic of toxicity (T). Material spilled or disposed of onto

surface soil at the Site includes high concentrations of lead (RCRA hazardous waste number D008) and asbestos. The leaded tank bottoms, the slop, the primary separator sludges, and the secondary separator floats have been disposed of or spilled onto the surface and have contaminated the surface soils at the Site. The leaded tank bottoms, the slop tank contents, the primary separator sludges, and the secondary separator floats have also contaminated the ground water beneath the Site by leaching benzene, toluene, ethylbenzene, and xylene ("BTEX") and lead into the subsurface area as pockets of non-aqueous phase liquids ("NAPL") which in turn have leached BTEX into the ground water as dissolved phase BTEX. Chlorinated hydrocarbons, including 1,2-dichloroethane, contained in solvents disposed of at the Site have leached into groundwater and appear in concentrations above Maximum Contaminant Levels ("MCL") established under the Safe Drinking Water Act, 42 U.S.C. 300f-300j-26.

Wastes, including leaded tank bottoms, the slop tank contents, the primary separator sludges, and the secondary separator floats, were generally disposed at, or near, the point of generation at the Site, and not in designated waste management units. Thus, waste materials known to have been spilled, dumped and spread at the Site including leaded tank bottoms, the slop tank contents, the primary separator sludges, and the secondary separator floats, have become intermingled with each other and with the spills of petroleum products, also known to have occurred.

Wastewaters at Prewitt were routinely discharged into unlined, earthen ditches throughout the refinery area. In addition to accidental spills, these ditches are known to have carried off-specification petroleum products, hydrocarbon-laden wastewaters such as those generated from the cleaning of the distillation unit, cooling tower overflow, tank bottoms, and spent caustic materials from the cleaning of gasoline. The separator, into which many of these ditches flowed, was a compartmentalized concrete tank, providing reduced flow conditions which allowed the organics to float to the surface of the material in the tank. These organics were pumped off the water surface and returned to the process system. The water and heavier primary separator sludges (RCRA listed hazardous waste FO37) were drawn from the bottom of the separator and discharged into an arroyo leading to the north edge of the Site and into an area of the Site known as the North Pit.

Separator floats that passed through or over the separator and onto Site soils are listed as RCRA hazardous waste number FO38.

An area located on the west side of the Site, known as the West Pits area was originally used as an emergency relief system. During the early years of operation, when a situation in the processing plant arose that required a process unit to be quickly shut down, the contents of the unit were directed through underground pipes to these bermed areas in the West Pits for containment. Analysis of aerial photographs taken of the plant in 1958 indicates drainage, from spills or disposal in the storage and process areas, leading to the West Pits. This material, spilled or disposed of at the Site, included leaded tank bottoms, the slop tank contents, the primary separator sludges, and the secondary separator floats. Shallow ground water underlying the Site has been contaminated with leachates from materials spilled or disposed of at the Site, including leaded tank bottoms, slop tank contents, primary separator sludges, and secondary separator floats. BTEX from material spilled or disposed of at the Site, including leaded tank bottoms, slop tank contents, primary separator sludges, and the secondary separator floats has been transported into the ground water. NAPL, including this transported BTEX, has accumulated on the ground water surface.

On June 24, 1988, EPA proposed to add the Prewitt Abandoned Refinery Site to the NPL of Superfund sites (53 FR 23988, 23998). The final listing was published in the **Federal Register** on August 30, 1990, (55 FR 33502, 33508).

Surface Response Actions

The Responsible Parties undertook a Remedial Investigation ("RI") and Feasibility Study ("FS") for the Site, pursuant to CERCLA and the NCP, and pursuant to an Administrative Order on Consent (CERCLA Docket No. VI-06-22-89). The RI was conducted in two defined Phases during 1990 and 1991 to determine the nature and extent of the problem presented by the release of contamination at the Site. Phase I was the initial sampling and analysis phase. The purpose of the Phase II activities was to resolve outstanding issues and fill data gaps remaining at the conclusion of Phase I. During the RI, contamination was detected in the surface soils and the shallow ground water. Utilizing the findings of the RI, the FS was initiated to develop and assess various remediation measures for the areas of contamination at the Site.

Using the data gathered during the RI, the Responsible Parties conducted a risk assessment to characterize the existing and potential threats to human health and the environment that could have been posed by the contamination at the Site under various possible exposure scenarios including future residential use of the property.

As part of the RI, a baseline risk assessment was conducted for the Site. This assessment indicated that, if not addressed, contamination existing in the surface soils and ground water at the Site would pose unacceptable health risks to persons living on the former Site, if the Site was redeveloped for residential purposes. Contaminants in on-site waste ponds posed an additional lifetime cancer risk of approximately 1.4×10^{-3} . Contaminants outside the fence, but inside the Site, posed an additional cancer risk of approximately 3.6×10^{-3} . The target additional cancer risk range for Superfund actions is 1×10^{-4} to 1×10^{-6} . The overall risk at the Site was driven by "hotspots." These "hotspots" contained contaminant concentrations above health-based action levels. These areas were the areas which were targeted for remediation. The vertical tank and former office areas contained lead hotspots, with concentrations of lead in soil as high as 129,000 parts per million (ppm). This concentration exceeded both residential and industrial cleanup standards. Lead concentrations ranged from 3 to 129,000 ppm in soil samples throughout the Site. Most lead concentrations diminished to background concentrations at soil depths below 2 feet.

The baseline risk assessment also indicated that the additional cancer risks associated with exposure to surface soils at the Site are caused primarily by Polynuclear Aromatic Hydrocarbons ("PAH") at or near the ground surface, particularly:

- Benzo(a)pyrene
- Benzo(a)anthracene
- Benzo(b)fluoranthene
- Benzo(k)fluoranthene

The projected additional lifetime cancer risk, assuming future residential land use, posed by the PAHs in the soil in the area outside the fence, inclusive of the North Pit area and tarry areas along the railroad track, was estimated to be 6×10^{-3} .

Asbestos in soil had been observed at and near the ground surface in the central portion of the Site. An extensive asbestos abatement program was performed by the Responsible Parties in 1990. The abatement was conducted for purposes of protecting workers during RI field activities. Approximately 800

cubic yards of asbestos-containing soils were removed from the Site and buried in an off-site landfill permitted for the disposal of asbestos. Upon completion of the 1990 asbestos abatement, limited amounts of asbestos-contaminated materials remained in the Process and Compressor areas of the Site.

In the risk assessment, an evaluation of the risks associated with inhalation exposure to contaminated wind-borne particulates at the Site, again assuming that the Site was developed for residential use, was also performed. The resulting additional carcinogenic risk was calculated at less than 10^{-7} , below the target additional risk range set in the NCP.

Overall, contaminants of potential concern found at the Site and identified by the Risk Assessment represent constituents common to materials handled at petroleum refineries. The contaminants were used in the risk evaluation based upon their toxicity, the frequency of detection, and the concentrations found at the Site. The contaminants that contribute most significantly to human health risks at the Site are: (1) for ground water: BTEX, lead and 1, 2 dichloroethane; and (2) for soils: lead, PAHs, and asbestos. Other contaminants detected at the Site above background concentrations included chromium, beryllium, antimony, mercury, nickel, and cadmium. Each of these constituents were included in risk calculations, but it was determined that these other constituents do not contribute significantly to carcinogenic or noncarcinogenic health risks at the concentration levels detected at the Site.

On September 30, 1992, based on the results of these studies, EPA issued a Record of Decision ("ROD") for the entire Site presenting EPA's decision to remediate the surface by: (1) excavation and off-site disposal of lead contaminated soils; (2) excavation and off-site disposal of asbestos-containing materials and soils; (3) excavation and landfarming of hydrocarbon-contaminated soils and sludges; and (4) excavation and off-site disposal of the separator and its contents. The ROD also required that the subsurface be remediated through soil vapor extraction and ground water extraction and reinjection.

All of the response actions at the entire Site were conducted by the Responsible Parties with oversight by the EPA, NMED and the NSO.

Community Involvement

The requirements of CERCLA Sections 113(k)(2)(B) (i) through (v) and 117, 42 U.S.C. §§ 9613(k)(2)(B) (i) through (v) and 9617, were met during

the remedy selection process, as illustrated in the following discussion.

A series of community interviews near the Site was conducted prior to, and upon, listing of the Site on the NPL. Fact sheets summarizing the progress of the RI/FS at the Site were mailed out in September 1990 and July 1991. These fact sheets were mailed out to all individuals on the Site mailing list, which has been continually updated as Site activities progress.

The RI and FS Reports and the Proposed Plan for the Prewitt Abandoned Refinery Site were released to the public on July 18, 1992. These documents were made available to the public in the Administrative Record and the information repositories which are maintained at the Prewitt Fire House, Prewitt, New Mexico, at the New Mexico Environment Department, Santa Fe, New Mexico, the Navajo Superfund Office in Window Rock, Arizona, and at the EPA Region 6 Library in Dallas, Texas. A summary of the Proposed Plan and the notice of availability of these documents and the Administrative Record was published in the Gallup Independent and Navajo Times newspapers on July 16, 1992. EPA held a public comment period regarding the Proposed Plan, the RI and FS Reports, as well as the Administrative Record from July 18, 1992, through August 17, 1992. Due to a delay in delivering the Administrative Record Files to the Repositories, and due to a request for an extension of the public comment period, the public comment period was extended to September 18, 1992. A notice of the extension of the public comment period was published in the Gallup Independent on July 30, 1992, and was announced at the July 29, 1992, public meeting.

An informal Open House was held on April 14, 1992, at the Prewitt Fire House in Prewitt, New Mexico. At the Open House, EPA informed the public that the investigations regarding the Site were completed and that a Proposed Plan would be issued in the future. Additionally, a public meeting was held by EPA on July 29, 1992, at the Prewitt Fire House. At the request of the Navajo Nation's Baca Chapter, a second Public Meeting in English and Navajo was held by EPA on September 3, 1992, at the Baca Chapter House. Representatives from EPA participated in this meeting and answered questions about problems at the Site and the remedial alternatives under consideration. A response to the comments received during this public comment period, including those expressed verbally at the public meetings, was included in the

Responsiveness Summary, which was included as part of the ROD.

On September 30, 1992, EPA issued a ROD for the Site, on which the State gave its concurrence. The ROD embodies EPA's decision on the remedial action for the entire Site. The ROD presents the selected remedial action for the Site, chosen in accordance with CERCLA, as amended by Superfund Amendments and Reauthorization Act (SARA), and, to the extent practicable, the NCP, 40 CFR part 300. The ROD is supported by an administrative record that contains the documents and information upon which EPA based the selection of the response action.

Current Status

Based on the Responsible Parties' successful completion of: (1) excavation and disposal of the lead-contaminated soils and the asbestos-contaminated materials and soils; (2) the disposal of the separator and its contents; and (3) the expedited landfarming of the hydrocarbon-contaminated soils and sludges, EPA has determined that no further CERCLA actions are necessary to address the surface of the Site for the protection of human health and the environment. On August 22, 1996, EPA issued a Superfund Preliminary Site Closeout Report documenting that construction of the remedy for the Prewitt Refinery Site was completed in accordance with OSWER Directive 9320.2-09. Confirmation sampling indicates that the remedial action goals and objectives set forth in the ROD have been met for the surface portion of the Site.

While EPA does not believe that any future response actions for the surface portion of the Site will be needed, if future conditions warrant such action, the surface areas which EPA proposes to delete from the NPL remain eligible for future Fund-financed response actions. Furthermore, this partial deletion does not alter the status of the subsurface portion of the Site which is not proposed for deletion and remains on the NPL.

EPA, with concurrence from the State of New Mexico and the Navajo Nation, has determined that all appropriate CERCLA response actions have been completed for the surface portion of the Site, and that protection of human health and the environment has been achieved in the surface areas of the Site. Therefore, EPA makes this proposal to delete only the surface portion of the Prewitt Abandoned Refinery Superfund Site from the NPL.

Dated: July 7, 1997.

Lynda F. Carroll,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.

Appendix A—Docket Information

Deletion Docket—Notice of Intent for Partial Deletion of the Prewitt Abandoned Refinery Superfund Site, Prewitt, New Mexico, surface portion, from the Superfund National Priorities List

- Prewitt Abandoned Refinery Superfund Site Administrative Record Index: September 30, 1992.

- Unilateral Administrative Order Docket Number 6-17-93 for the performance of the Remedial Design and Remedial Action at the Prewitt Abandoned Refinery Superfund Site: May 14, 1994.

- Remedial Design and Specifications for the surface remediation component: January 1995.

- Remedial Design for the landfarm: October 1995.

- Remedial Action Work Plan: January 1996.

- Construction Completion Report: July 1996.

- Remedial Action Completion Report for the surface remediation component: March 1996

- Superfund Preliminary Closeout Report: August 22, 1996.

- Remedial Action Completion Report for the landfarm: February 1997

- Concurrence letter dated November 12, 1996, from the State of New Mexico through the New Mexico Environment Department agreeing with EPA's proposal to delete the surface portion of the Site from the National Priorities List.

- Concurrence letter dated March 4, 1997, from the Navajo Nation through the Navajo Nation Superfund Office agreeing with EPA's proposal to delete the surface portion of the Site from the National Priorities List.

- Notice of Intent for Partial Deletion of the surface portion of the Prewitt Abandoned Refinery Superfund Site, surface portion only, from the National Priorities List.

Appendix B—Site Coordinates

1. 35°26' 55.30" North Latitude—

- 108°01' 56.99" West Longitude

2. 35°26' 45.62" North Latitude—

- 108°02' 02.50" West Longitude

3. 35°25' 33.05" North Latitude—

- 107°57' 58.08" West Longitude

4. 35°25' 07.99" North Latitude—

- 107°58' 15.40" West Longitude

5. 35°26' 49.34" North Latitude—

- 108°02' 49.01" West Longitude

6. 35°26' 29.31" North Latitude—

- 108°03' 05.30" West Longitude

7. 35°25' 24.04" North Latitude—

- 108°02' 56.81" West Longitude

8. 35°24' 47.46" North Latitude—

- 108°02' 09.29" West Longitude

9. 35°23' 49.20" North Latitude—

- 107°59' 33.66" West Longitude

10. 35°25' 10.10" North Latitude—

- 107°58' 49.16" West Longitude

[FR Doc. 97-26185 Filed 10-3-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 93-61, FCC 97-305]

Automatic Vehicle Monitoring Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In the *Further Notice of Proposed Rule Making* ("FNPRM"), the Commission proposes rules and procedures governing competitive bidding for multilateration Location and Monitoring Service ("LMS") frequencies.

DATES: Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before November 5, 1997, and reply comments on or before November 20, 1997.

ADDRESSES: To file formally in this proceeding, interested parties must file an original and four copies of all comments, reply comments, and supporting comments. If parties want each Commissioner to receive a personal copy of comments, an original plus nine copies must be filed. Comments and reply comments must be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: David Furth or Linda Chang at (202) 418-0620.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's *Further Notice of Proposed Rule Making* in FCC 97-305, PR Docket No. 93-61, adopted August 28, 1997, and released September 16, 1997. The complete text of this FNPRM is available for public inspection and copying during normal business hours in the FCC Dockets Branch, Room 239, 1919 M Street N.W., Washington, D.C. 20036. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036 (telephone number: (202) 857-3800). Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center of the Federal Communications Commission, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.