

requirement, the Agency is today releasing EPA's current draft of the Tier 2 study for comment. EPA will include a summary of any comments received on this draft when it submits the final report to Congress.

In the draft Tier 2 Study, EPA discusses and provides information on each of the three areas mentioned above but does not make a determination about whether further emission reductions are appropriate. EPA plans to make such a determination by way of later rulemaking action, to be finalized by the end of 1999, as required by the Act. In addition to addressing the three issues of need, feasibility, and cost effectiveness, the Study also discusses several key issues related to the development of a potential Tier 2 program and the next steps EPA is planning.

In addition to the draft Tier 2 Study, EPA will soon be releasing a related document titled "EPA Staff Paper on Gasoline Sulfur Issues." Because of its effect on catalytic converters, sulfur in gasoline is a very important issue when vehicle emission standards more stringent than today's standards are considered. The Staff Paper discusses a range of issues including the interactions between sulfur in gasoline and vehicle technology, the impact on refinery operations of reducing gasoline sulfur content, other fuel quality issues, a review of fuel sulfur control programs in other countries, and a review of proposals that have been put forward on this topic by key stakeholders. EPA plans to address any comments received on the Staff Paper as a part of any proposed rulemaking that EPA pursues relating to this Tier 2 emission standards. EPA will also hold a public meeting to discuss issues relating to gasoline sulfur and the Gasoline Sulfur Staff Paper (see ADDRESSES above).

Dated: April, 23, 1998.

**Richard D. Wilson,**

*Acting Assistant Administrator for Air and Radiation.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 272**

[FRL-6001-1]

**Hazardous Waste Management Program: Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program for New Mexico**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to incorporate by reference EPA's approval of the New Mexico Environment Department's (NMED) RCRA Cluster IV hazardous waste program and to approve its revisions to that program submitted by the State of New Mexico. In the final rules section of this **Federal Register**, the EPA is approving the State's request as an immediate final rule without prior proposal because USEPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the immediate final rule. If no adverse written comments are received in response to that immediate final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse written comments, a second **Federal Register** document will be published before the time the immediate final rule takes effect. The second document may withdraw the immediate final rule or identify the issues raised, respond to the comments and affirm that the immediate final rule will take effect as scheduled. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments on this proposed rule must be received on or before May 28, 1998.

**ADDRESSES:** Written comments may be mailed to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, at the address listed below. Copies of the materials submitted by NMED may be examined during normal business hours at the following locations: EPA Region 6 Library, 12th Floor, Wells Fargo Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-6444. New Mexico Environment Department, 1190, St Francis Drive, Sante Fe, New Mexico 87502. Phone number: (505) 827-1558.

**FOR FURTHER INFORMATION CONTACT:**

Alima Patterson (214) 665-8533.

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

Dated: March 19, 1998.

**Lynda F. Carroll,**

*Acting Deputy Regional Administrator, Region 6.*

[FR Doc. 98-11279 Filed 4-27-98; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[FRL-6003-7]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Pine Bend Sanitary Landfill Site from the National Priorities List; request for comments.

**SUMMARY:** The United States Environmental Protection Agency (U.S. EPA) Region 5 announces its intent to delete the Pine Bend Sanitary Landfill (the Site) from the National Priorities List (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 U.S. EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and U.S. EPA, in consultation with the State of Minnesota, has determined that no further CERCLA response is appropriate. Moreover, U.S. 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 concerning the proposed deletion of the Site from the NPL may be submitted on or before May 28, 1998.

**ADDRESSES:** Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region 5, 77 W. Jackson Blvd. (SR-6J), Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region 5 office

and at the local information repository located at: Dakota County Library System, Wescott Branch, 1340 Wescott Road, Eagan, MN 55123. Requests for copies of documents should be directed to the Region 5 Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H-7J), U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

**FOR FURTHER INFORMATION CONTACT:** Gladys Beard (SR-6J), Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253 or Don Deblasio (P-19J), Office of Public Affairs, U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-4360.

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

The U.S. Environmental Protection Agency (EPA) Region 5 announces its intent to delete the Pine Bend Sanitary Landfill Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The 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 Potentially Responsible Parties or 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 if the conditions at the Site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this document 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 history of this site. Section V explains how the Site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as

appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

**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, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

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

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response 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, remedial measures are not appropriate.

**III. Deletion Procedures**

Upon determination that at least one of the criteria described in 40 CFR 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address each significant comment and any significant new data submitted during the comment period. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

**IV. Site Background**

The Pine Bend Sanitary Landfill (PBSL) site is located in northeast Dakota County, on the periphery of the Minneapolis/St. Paul metropolitan area, in Sections 33, Township 27 North, Range 22 West, City of Inver Grove Heights, Minnesota. PBSL encompasses approximately 255 acres and is an open,

operating, solid waste facility which accepts municipal solid waste and nonhazardous industrial waste. The PBSL was first issued a permit (SW-045) to operate by the Minnesota Pollution Control Agency (MPCA) on September 7, 1971. Pine Bend Landfill, Inc., a wholly-owned subsidiary of Browning Ferris Industries, is the owner and permittee of the PBSL.

PBSL was added to the NPL on June 10, 1986. It is also on the Minnesota Permanent List of Priorities. Its inclusion on the NPL was the result of finding Volatile Organic Compounds in ground water emanating from the Site. U.S. EPA and MPCA concluded that a plume of contamination from the landfill was moving through the surficial aquifer and discharging to the Mississippi River through springs in the river bottom.

Crosby American Demolition Landfill (CADL) is located immediately north of the PBSL. Because a plume of contamination from the CADL has comeled with a plume of contamination from PBSL east of their common border, the MPCA has considered the two landfills as one site. U.S. EPA, however, has for administrative purposes treated the two landfills as two sites, one of which—PBSL—is on the NPL; the other—CADL—is not.

By agreement with U.S. EPA, MPCA has been the lead agency for the PBSL site. Under MPCA's direction and oversight, Pine Bend Landfill, Inc. conducted a number of response activities, including the following: a Remedial Investigation (RI) (1986), additional RI activities (1987), a pump test (1989-90), preparation of a Preliminary Alternatives Report (1989), interim groundwater monitoring (1988-1994), preparation of a final RI report in August 1991 and an MPCA approved Detailed Analysis Report in November 1994.

On September 30, 1991, MPCA and U.S. EPA signed a Record of Decision (ROD) for Operable Unit 1—the first phase of a permanent remedy for the Site. The ROD called for the extension of the existing City of Inver Grove Heights municipal water supply, the connection of impacted or potentially impacted residents to the municipal water supply, and the permanent sealing of residential water supply wells in the impacted area. The work under this operable unit was completed in November 1994.

**V. Basis for Site Deletion Proposal**

In September, 1995, MPCA and U.S. EPA signed a ROD calling for no further action at the Site. There are two reasons

for the no-action decision. First, further action to control the source of contamination (installation of a landfill cover, clay liner, leachate collection system, etc.) and to address contaminated ground water would be conducted under the facility's operating permit, such that no further action under CERCLA would be necessary. Second, completion of Operable Unit 1, under which residents in the area were connected to a municipal water supply, reduced the risk posed by contaminated ground water.

U.S. EPA is now proposing to delete PBSL from the NPL for one of the same reasons that it signed a no-action ROD in 1995: work that might otherwise be required under CERCLA will be accomplished under the facility's RCRA permit. The Site is an active Treatment, Storage, and Disposal facility, owned and operated by Browning Ferris Industries ("BFI"). BFI clearly has the resources to conduct the work required. In accordance with the operating permit issued by MPCA, BFI placed a final cover on portions of the landfill that are filled to final elevation, installed a combustible gas collection system, installed a clay liner and leachate collection system in an expansion area, and installed a surface drainage control system. Under the terms of an Amended Order issued by MPCA on October 23, 1990, BFI will monitor ground water in accordance with the Minnesota Solid Waste Landfill Compliance Program.

A five-year review pursuant to OSWER Directive 9355.7-02 "Structure and Components of Five-Year Reviews" will be conducted at the Site. The Five-Year review is scheduled for December 1999.

EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Pine Bend Sanitary Site have been completed, and no further CERCLA response actions by responsible parties are appropriate in order to provide protection of human health and environment. Therefore, EPA proposes to delete the Site from the NPL.

Dated: April 7, 1998.

**Michelle D. Jordan,**

Acting Regional Administrator, U.S. EPA,  
Region V.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[DA 98-715]

#### Common Carrier Bureau Seeks Comment on Proposals To Revise the Methodology for Determining Universal Service Support

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; seeking comment on proposals in rulemaking proceeding.

**SUMMARY:** In this Public Notice, the Common Carrier Bureau (Bureau) describes certain proposals by outside parties to alter the methodology for determining high cost universal service support based on forward-looking economic costs. Some parties have filed petitions for reconsideration or judicial appeals of the methodology announced in the May 8, 1997 *Universal Service Order* and the Commission has committed to complete the reconsideration of its methodology before it is implemented for non-rural carriers. This Public Notice seeks additional proposals to modify the methodology, as well as comment on the existing proposals.

**DATES:** Comment date for filing additional proposals is April 27, 1998, comments are due May 15, 1998, and reply comments are due May 29, 1998.

**ADDRESSES:** One original and five copies of all filings must be sent to Magalie Roman Salas, Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. Parties must also send copies to the individuals listed on the attached Service List and to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Chuck Keller at (202) 418-7380 or <ckeller@fcc.gov>.

**SUPPLEMENTARY INFORMATION:** In the *Universal Service Order*, Federal State Joint Board on Universal Service, *Report & Order*, CC Docket No. 96-45, 12 FCC Rcd 8776 (1997), 62 FR 32862 (June 17, 1997), as corrected by Federal State Joint Board on Universal Service, CC Docket 96-45, *Errata*, FCC 97-157 (released June 4, 1997), *appeal pending*, Texas Office of Public Utility Counsel v. FCC, No. 97-60421 (5th Cir. filed June 25, 1997), the Commission adopted a four-step methodology for determining the appropriate level of federal universal service support that non-rural

carriers will receive beginning January 1, 1999. As part of that methodology, the Commission determined that the federal fund will provide at least 25 percent of the total support necessary for non-rural carriers (25/75 decision). The Commission also concluded that rural carriers will receive support based on forward-looking costs no sooner than January 1, 2001. Several parties have set forth proposals to modify the Commission's approach to determining support for non-rural and rural carriers. Some of these proposals were presented in the Commission's proceeding to prepare a Report to Congress on Universal Service, required by statute, Departments of Congress, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988, Pub. L. 105-119, 111 Stat. 2440, 2521-2522, § 623. Federal-State Joint Board on Universal Service, *Report to Congress*, CC Docket No. 96-45, FCC 98-67, (released April 10, 1998) (Report to Congress), and, in particular, in the *en banc* hearing on universal service issues held on March 6, 1998. In this Public Notice, we seek to augment the record by encouraging interested parties to submit additional proposals for modifying the Commission's methodology, or updates to those on the record, by April 27, 1998. Comments from interested parties on these proposals are due on May 15, 1998, and reply comments are due on May 29, 1998. In the *Report to Congress*, the Commission states that, prior to implementing the Commission's methodology for determining high cost support for non-rural carriers, the Commission will complete a reconsideration of its 25/75 decision and of the method of distributing high cost support. *Report to Congress* at para. 224. The Commission also states that it will continue to work closely on these issues with the state members of the Federal-State Joint Board on Universal Service (Joint Board), including holding an *en banc* hearing with participation by the Joint Board Commissioners. See *Report to Congress* at paras. 224, 228, 231.

#### Background

In the *Universal Service Order* and the accompanying *Access Charge Reform Order*, *Access Charge Reform*, *Price Cap Performance Review for Local Exchange Carriers*, *Transport Rate Structure and Pricing and End User Common Line Charges*, CC Docket Nos. 96-262, 94-1, 91-213, and 95-72, *First Report and Order*, 62 FR 31868 (June 11, 1997), 12 FCC Rcd 15982 (1997) (*Access Charge Reform Order*); *Order on Reconsideration*, 62 FR 40460 (July 29,