

Creek downstream of Route 925, the Frontera Lagoons, Madri Canal south of Route 3, the Ciudad Cristiana housing development (Cristiana), the 13 industries adjacent or in close proximity to the creek, and the suspected dredge spoil piles allegedly located on the bank of Frontera Creek adjacent to Ciudad Cristiana.

Industrial wastewaters from industries within the Site were discharged into the creek from 1971 to 1981. Public concern about the site arose in 1977 following the death of thirty cows that grazed in the area. Since that time, the area has been investigated by the EPA, PREQB and several industries located in the vicinity. This investigation confirmed the presence of contaminants including mercury in sediments and surface water samples. As a result of the potential threat to public health, in August 1983, the Frontera Creek Site was included on the EPA's National Priorities List.

In February 1985, the Puerto Rico Department of Health (PRDOH) found elevated levels of mercury in blood and urine samples from a number of residents in the Ciudad Cristiana development. In addition, the PREQB found mercury in soil samples. As a result, the Governor of Puerto Rico ordered the evacuation of the residents of the development. In March 1985, the PRDOH requested that the EPA evaluate the Ciudad Cristiana development for mercury contamination. The residents had alleged that during the construction of their homes, the area was contaminated. In response to this request, and in coordination with the Agency for Toxic Substances and Disease Registry (ATSDR), the EPA conducted a Focused Remedial Investigation to assess mercury contamination in the Ciudad Cristiana development. Soil samples from the Ciudad Cristiana development were analyzed for mercury contamination. ATSDR concluded that the mercury levels found did not present an immediate health threat to the residents of Ciudad Cristiana.

On October 3, 1986, an Administrative Order on Consent (Consent Order) was issued by the EPA pursuant to Section 106(a) of CERCLA. The Consent Order required Miles Diagnostics Corporation; Miles, Inc.; Cooper Development Company; and Revlon, Inc. ("Settling Defendants") to undertake a Remedial Investigation/Feasibility Study (RI/FS) covering the entire Frontera Creek Superfund Site.

A Remedial Investigation (RI) was performed from January 1988 through August 1989. The RI data indicated that elevated concentrations of mercury

occurred primarily in surface soils at the Technicon property and in sediments in the Technicon ditch. The sampling done at the Ciudad Cristiana development and in the Frontera Creek itself did not find mercury levels of concern.

A Record of Decision (ROD), which selected the remedy for the Site, was signed in September 1991. The selected remedy called for the excavation and proper disposal of all Site soils and sediments with mercury concentration in excess of 35 parts per million (ppm). On July 8, 1992, Miles Diagnostics Corporation; Miles Inc.; Cooper Development Company; and Revlon, Inc. ("Settling Defendants") signed a Consent Decree with the EPA for implementation of the selected remedy.

Remedial Action was implemented according to the approved Final Remedial Design Report document, dated December 27, 1994. Excavation activities, initiated on March 7, 1995 were substantially completed as of March 30, 1995. Off-site transportation for disposal of rolloffs containing excavated waste, was initiated on April 18, 1995 and completed on April 22, 1995.

The remediated Site areas, as required by the ROD, were two areas within the Technicon ditch (known as Areas 1 and 2) and one area near the former raw materials storage area at the Technicon facility (known as Area 3). The volumes and media removed in each were Area 1—83 cubic yards of Technicon Ditch sediments, Area 2—49 cubic yards of Technicon Ditch sediments and Area 3—159 cubic yards of soils and 32 yards of concrete. The Area 2 excavation was expanded to remove an additional 33.5 cubic yards of sediments based on the results of the post-excavation sampling and analysis.

All the completion requirements for this Site have been met as described in the "Superfund Site Close Out Report" dated September 1997. Activities at the Site have resulted in the removal of mercury contaminated soils and sediments from the Site and have provided for the off-site disposal of contaminated soils and sediments. EPA has determined that responsible parties have completed all appropriate response action necessary under CERCLA at this site and that no further construction activities by responsible parties are necessary. In addition, for the activities undertaken at this Site under CERCLA, EPA identified an air release of methylene chloride. EPA determined the source of the air release to be the Squibb facility located within the Site. Squibb voluntarily reduced emissions of methylene chloride to acceptable levels. Consequently, EPA is proposing

deletion of this Site from the NPL. Documents supporting this action are available in the docket.

The EPA and PREQB have determined that the remedy implemented at the Site is protective of human health and the environment and that no further cleanup by responsible parties is appropriate. Hazardous substances were cleaned up to levels that would allow for unlimited use and unrestricted access, therefore the five-year review requirement of Section 121(c) of CERCLA, as amended, is not applicable. On September 30, 1997, the EPA signed the Superfund Site Close Out Report for the Site, prepared in accordance with OSWER Directive 9320.2-09, "Close Out Procedures for National Priorities List Sites".

Dated: June 18, 1998.

William J. Muszynski,

Acting Regional Administrator, Region II.
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6131-2]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the U.S. Navy, Naval Security Group Activity Superfund Site from the National Priorities List. Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region II Office announces its intent to delete the United States Navy, Naval Security Group Activity Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL, 40 CFR Part 300, Appendix B was promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. EPA and the Puerto Rico Environmental Quality Board (PREQB) have determined that all appropriate actions have been completed and no further response action is appropriate under CERCLA. In addition, EPA and PREQB have determined that response actions conducted to date at the Site

have been protective of public health, welfare, and the environment.

DATES: Comments concerning the deletion of this Site from the NPL may be submitted on or before August 31, 1998.

ADDRESSES: Comments may be mailed to: Paul G. Ingrisano, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway—18th Floor, New York, NY 10007-1866.

The deletion docket and other comprehensive information on this Site is available through the EPA Region II public docket, which is located at EPA's Region II Office in New York City, and is available for viewing, by appointment only, from 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. Requests for appointments should be directed to: Paul G. Ingrisano, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 18th Floor, New York, NY 10007-1866, (212) 637-4337.

Information on this Site is also available for viewing at the Site Administrative Record Information Repositories at the following locations: Jaime Fonadella Garriga Public Library, Toa Baja, PR 00951, (787) 794-2145, Monday through Friday, 8:00 a.m. to 8:00 p.m.; and, Saturday, 8:00 a.m. to 3 p.m.; excluding holidays.

Naval Security Group Activity Base Library, Building 193, Sabana Seca, PR FP0 AA 34053-1000, (787) 261-8312, Monday and Tuesday, 10:30 a.m. to 7:00 p.m.; Thursday and Friday, 10:30 a.m. to 6:00 p.m.; and, Saturday, 8:00 a.m. to 1:00 p.m.; excluding holidays.

FOR FURTHER INFORMATION CONTACT: Paul G. Ingrisano, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 18th Floor, New York, NY 10007-1866, (212) 637-4337.

SUPPLEMENTARY INFORMATION:

Table of Contents

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

I. Introduction

EPA Region II announces its intent to delete the United States Navy, Naval Security Group Activity Superfund Site, which is located in Sabana Seca, in the Municipality of Toa Baja, Puerto Rico from the NPL, which is found in Appendix B to the NCP, 40 CFR Part 300, and requests comments on this deletion. EPA identifies sites that appear to present a significant risk to

public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in § 300.425(e)(3) of the NCP, any site deleted from the NPL remains 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 from the NPL until August 31, 1998.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e)(1)(i)-(iii) of the NCP provides that sites may be deleted from the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA in consultation with PREQB, shall consider 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 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 of hazardous substances poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) EPA Region II, PREQB and the United States Navy issued Records of Decision (RODs), which documented the remedial action activities; (2) all appropriate responses under CERCLA have been implemented as documented in the Final Remedial Action Report for Site 6, dated August 4, 1997, together with the Final No Action RODs for Sites 1&3 and Sites 2&4, dated September 30, 1997, in lieu of a Final Close Out Report; (3) PREQB has concurred with the proposed deletion decision by a letter dated March 27, 1998; (4) a notice has been published in the local newspapers and has been distributed to appropriate federal, commonwealth, 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, (5) all relevant documents have been made available for public review in the local Site information repositories.

Deletion of sites 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 of Superfund sites.

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 local residents by the Regional Office.

IV. Basis for Intended Site Deletion

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

A. Site Background

NSGA Sabana Seca was originally a pineapple and grapefruit plantation known as the Stephenson Place. The plantation was procured by the U.S. Navy during World War II. After the war, the property was turned over to the U.S. Army. In 1951, the Navy again assumed control and in 1952, established the U.S. Naval Radio Station, Sabana Seca. In 1971, NSGA Sabana Seca was established as an independent shore activity of the Navy and has been operated as a communications center continuously since that time. NSGA Sabana Seca is located approximately 14 miles west of the city of San Juan on the island of Puerto Rico, and consists of a North and South Tract together covering over 2,200 acres of land. The South Tract is bounded to the north by Sabana Seca and the North Tract, to the east by Route 866, to the south by Route 22, and to the west by the Bayamón and Toa Baja Municipal Landfills and the U.S. Department of Health and Human Services Research Facility.

B. History

At the NSGA Sabana Seca Site, following placement of the facility on the NPL, seven sites were identified and assessed as posing a potential threat to human health or the environment, due to contamination from past hazardous material operations. All sites are located in the South Tract.

1. Site 6

The Former Pest Control Shop was operational from the mid-1950s through 1979. Pesticides were accidentally spilled in and around the building during this time. Pesticides were mixed and application equipment cleaned in a sink outside the building which discharged directly to the ground. In 1987, the materials stored in the pesticide shop were removed and taken to the Base's hazardous storage facility. The building was demolished and the demolition debris was taken to the nearby Bayamón/Toa Baja Municipal Landfill.

As a result of pesticide contamination found in the soil, in the vicinity of the Former Pest Control Shop, NSGA Sabana Seca was added to the NPL on October 4, 1989. In 1991, the Navy, with oversight provided by EPA and PREQB, began a Remedial Investigation (RI) to characterize the nature and extent of contamination and to assess potential risks to human health and the environment.

Based on the results of the RI and risk assessment, a Record of Decision (ROD) for Site 6 was signed on September 20, 1996. The ROD documented the decision that no further remedial action was necessary at the Former Pest Control Shop because the conditions at the site pose no unacceptable risks to human health or the environment. However, since the site is adjacent to a playground/picnic area and the enlisted housing area, as an added measure of precaution, the Navy elected to place an asphalt cap over the areas where pesticides were previously detected in the surface soils. The construction of the asphalt cap was completed in April 1997, and the cap is being maintained by the Navy. The life expectancy of an asphalt cap is approximately 20 to 25 years with routine maintenance. A top sealant will be applied periodically to the asphalt surface to prevent deterioration.

2. Sites 1&3 and Sites 2&4

Site 1, the South Stone Road Disposal Area; Site 3, the North Stone Road Disposal Area; and, Site 4, the Pistol Range Disposal Area were used as the Base's landfills in operation from 1951 to 1960, 1960 to 1965, and 1965 through possibly 1970, respectively. Solid waste was disposed in these landfills. Site 2, the Bunker 607 Disposal Area, was intermittently used for materials storage from the 1960s to 1979. In 1979, the bunker was cleaned -out and old paint intended to be used for the on-Base housing was reportedly disposed in the vicinity of Bunker 607.

In 1991, the Navy, with oversight provided by EPA and PREQB, began Site Investigations (SI) to assess the presence or absence of contamination associated with past Navy activities at these sites and determine if an RI was necessary.

Based on the results of the SIs and risk assessments, RIs were determined to be unnecessary and No Action RODs for the sites were signed on September 30, 1997. The RODs documented the decision that no further remedial action was necessary at Sites 1&3 and Sites 2&4 because the conditions at the sites pose no unacceptable risks to human health or the environment.

3. Site 5

The Wenger Road Disposal Area, was reportedly used as a disposal site for mainly inert materials from 1980 through 1983. In 1982, the Navy recommended that these materials be removed from this site. These materials were removed and placed in a nearby municipal landfill. Because Site 5 has been cleaned up, it does not pose a threat to human health or the environment. Therefore, since this site had been previously remediated prior to the listing of NSGA Sabana Seca on the NPL, EPA's July 19, 1994 letter to the Navy stated that no further investigation of Site 5 was required.

4. Site 7

Leachate from the nearby Bayamón/Toa Baja municipal landfill has been observed entering this wet marshy area, which has been designated as the Leachate Ponding Area. The municipal landfill, which is located directly adjacent to the Base property, has been in operation since the early 1970s. Though the waste stream did not originate from Navy property, the Navy conducted a Leachate Diversion/Feasibility Study (FS) to try to address the problem. The FS provided alternatives for interim treatment of the leachate entering Navy property. A Treatability Study of the engineered wetland technology was conducted as a result of the FS. Due to unforeseen changes in landfill operations and the hydrology upgradient of the Base, and susceptibility of the engineered wetland technology to drought conditions, the study was canceled.

In 1996, the Navy released the final FS report, which provided an in-depth summary and discussion of the alternatives, all of which were determined to be impracticable as the report also determined that the leachate flowing onto Navy property at Site 7, a collection area for leachate from an off-Base source, is from the Bayamón

Municipal Landfill, the operation of which could not be controlled by the Navy. Therefore, on February 27, 1997, the EPA notified the Navy that No Further Action was necessary and that a ROD would also not be required for the Leachate Ponding Area. Site 7 will be addressed by the Municipality of Toa Baja, the party responsible for Site 7 contamination. Site 7, the Leachate Ponding Area, is not part of the NPL Site.

C. Characterization of Human Health Risk

The RI and SIs included investigations of the surface water, sediment, soil, and groundwater in the vicinity of the sites. The investigations included a wide range of analyses to detect volatile and semi-volatile organic compounds, pesticides, herbicides, polychlorinated biphenyls, inorganics (metals) and cyanide. Concentrations found in the soil, surface water, sediment and groundwater were below commonwealth and federal regulatory levels and risks for both current and future use were within acceptable levels as defined by the NCP. EPA and PREQB believe that conditions at the Site pose no unacceptable risks to human health or the environment.

D. Ecological Risk

The results of the ecological risk assessment indicate that the Former Pest Control Shop does not pose a threat to ecological receptors or habitats.

E. Site Meets Deletion Criteria

All the construction completion requirements for this Site have been met as described in the No Action RODs, (in lieu of a Final Close Out Report), signed on September 30, 1997, which were prepared in accordance with OSWER Directive 9320.2-09, Close Out Procedures for National Priorities List Sites. EPA and PREQB have determined that the Navy has implemented all appropriate actions necessary under CERCLA, at this Site. The remedial and site investigations and remedial action for this Site have been successfully implemented, are protective of human health, welfare and the environment and no further response actions are necessary. Consequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the docket. Because no hazardous substances remain at the Site above health-based levels, the five-year review requirement of Section 121 (c) of CERCLA as amended, does not apply at this Site.

Dated: June 18, 1998.

William J. Muszynski,

Acting Regional Administrator, Region II.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

RIN 2133-AB32

[Docket No. MARAD-98-3468]

46 CFR Part 298

Proposed Amendments to the Title XI; Closing Documentation and Application

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Proposed rule; request for comments.

SUMMARY: The Maritime Administration (MARAD) is considering changes to the existing application form used by the agency in evaluating whether to issue, under Title XI of the Merchant Marine Act, 1936, as amended, a commitment to guarantee obligations for the construction of vessels in shipyards located in the United States or for the modernization of such yards, and the documentation forms used by the agency in closing such commitments. The purpose of this proposed rule is to solicit public review and comment of the proposed changes to the application form and the closing documentation.

DATES: Comments should be submitted on or before August 31, 1998, to the address listed below.

ADDRESSES: Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590-001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., Monday through Friday except Federal Holidays. An electronic version of the new application forms and the closing documents is available from the persons listed below on computer disk or on the World Wide Web at <http://marad.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Richard Lorr, Office of Chief Counsel, Maritime Administration, MAR-223, Room 7228, 400 Seventh Street, SW, Washington, DC 20590, telephone 202-366-5168 or fax 202-366-7485 with respect to the closing documentation, and Jean E. McKeever, Office of Ship

Financing, Maritime Administration, MAR-530, Room 8122, 400 Seventh Street, SW, Washington, DC 20590, telephone 202-366-5744 or fax 202-366-7901 with respect to the application forms.

SUPPLEMENTARY INFORMATION: On February 17, 1998, MARAD issued an Advance Notice of Proposed Rulemaking (ANPRM) and request for comments on whether MARAD should amend its existing regulations or alter its existing administrative practices governing the Title XI application process, standards for evaluation and approval of applications, and the process of documentation for closing of commitments to guarantee obligations. The ANPRM was issued in response to Executive Order 12862 issued by President Clinton which called for agencies to strive for a "customer-driven government" that matches or exceeds the best service available in the private sector.

MARAD requested that its customers, shipyard and shipowner executives, their lawyers, accountants, investment bankers and other professionals, who have used or are familiar with the Title XI program, provide MARAD with their views about how the Title XI program could be improved. MARAD requested specific comments on several topics including the following:

1. Whether changes to the current application form (Form MA-163) are needed and, if so, what specific changes would make the application process more efficient without eliminating critical information needed by MARAD;

2. Whether there should be separate application forms for export vessels, U.S.-flag vessels, and shipyard modernizations, and what specific information should be requested by each;

3. Whether MARAD should waive the requirement in the application form for the submission of plans and specifications if a vessel design has previously been approved by MARAD;

4. Whether MARAD should permit electronic filing of all or a part of a Title XI application;

5. Whether MARAD should create special closing documentation to govern shipyard modernization guarantees; and

6. Whether the current closing documentation on a commitment to guarantee imposes requirements that are unnecessary and redundant, and what changes should be made to the standard documentation.

The response of commenters to these questions and the actions that MARAD is proposing are described below. Upon receipt of further public comment to the

proposed application forms and closing documentation, MARAD will make final changes to the application forms and the documentation. MARAD is preparing a separate Notice of Proposed Rulemaking covering any conforming changes with respect to the content of the application forms and the documentation and the other regulatory issues that were raised in the ANPRM, but are not addressed herein.

The Application Form

Four commenters addressed the application form and requested that the agency simplify and streamline the existing form. Five commenters recommended that there be a separate application form for shipyard modernizations and four commenters recommended an additional, separate application form for export vessel projects.

MARAD has responded favorably to most of these recommendations. MARAD has simplified and reorganized the application, and deleted questions that were unnecessary or redundant, and clarified questions that were ambiguous. MARAD is also placing the new application forms on our home page and is printing the forms on letter-size paper instead of legal-size paper.

MARAD created a separate application form for shipyard modernizations, but did not draft a separate application form for export vessels because the differences between the domestic and the export applications were not substantial enough to justify the extra form. However, the proposed vessel application form has a separate section dealing with export transactions.

MARAD believes that the net result is clearer application forms which are easier to follow and complete and which will impose a reduced preparation time on applicants and should allow for a more expeditious processing of applications. MARAD welcomes any further suggestions commenters have to the two proposed forms.

Plans and Specifications

The four commenters on the issue of approved vessel designs believe that MARAD should not require the submission of plans and specifications for vessel designs previously approved by MARAD. MARAD agrees and the application form has been amended accordingly.

Electronic Filing

Seven commenters responded to this issue. A number of them thought that electronic filing would raise