

remediation to be conducted under CERCLA.

#### *Current Groundwater Conditions at the SIBW Deletion Area*

There are three separate plumes of contaminated groundwater (eastern, central and western), resulting from former disposal practices at various SIBW subsites. The primary contaminants of concern in the groundwater are VOCs, primarily TCE and PCE. EPA characterized contamination in groundwater and issued a Record of Decision on September 30, 1998 for VOCs in groundwater at SIBW (Groundwater ROD). The remedies selected for the SIBW groundwater plumes are: monitored natural attenuation in the central and eastern plumes and extraction and treatment via air stripping in the western plume. The cleanup levels for the SIBW plumes are based on the federal Safe Drinking Water Act Maximum Contaminant Levels (MCLs). The MCL for both TCE and PCE is 5 parts per billion (ppb).

The plume of groundwater with concentrations of TCE above 5 ppb in the vicinity of the SIBW Landfill Area is the eastern plume. This plume is located approximately 100 to 200 feet below ground surface (bgs) in a formation known as the Middle Alluvial Unit. The groundwater included in the SIBW Deletion Area is not part of the eastern plume and contains concentrations of TCE less than 5 ppb. Based on existing data, the groundwater in the middle alluvial unit with concentrations of TCE less than 5 ppb is represented as that portion of the groundwater underlying the SIBW Landfill Area that is not within the 5 ppb TCE contour line as depicted on Figure 2 (available for viewing in the Deletion Docket). Once the partial deletion is effective, the only area remaining on the NPL north of Rio Salado Parkway will be the extent of groundwater contamination in the middle alluvial unit above 5 ppb TCE. This area is shown on Figure 2 as the overlap of the southeast corner of the SIBW Landfill Area and the 5 ppb TCE contour. This overlap has been estimated to cover approximately 7.4 acres.

Additional data may be obtained prior to the final Notice of Deletion that would allow for refinement of the definition of extent of groundwater which is presently above 5 ppb TCE depicted on Figure 2 (available for viewing in the Deletion Docket). Such information would then be set out in the final Notice of Deletion.

#### *Community Relations Activities*

Community interest in this site has been relatively low. With the exception of persons wanting to purchase property in the area, very few calls are received from citizens interested in activities at SIBW. EPA issued a fact sheet in February 2002 which described the January 2002 Plug-in Determination for seven (7) SIBW Subsites including the Allstate Subsite. EPA has also conducted two formal public meetings. The first was on July 7, 1993 and was to present the proposed Soil Vapor Extraction Plug-in Remedy and the second was on September 24, 1997 to present the proposed groundwater remedy.

#### *Current Status*

The SIBW Landfill Area has been investigated and the plug-in analysis has been performed in accordance with the 1993 Soils ROD. As prescribed by the ROD, SVE remediation is not required and therefore, no further federal CERCLA action is necessary at the SIBW Landfill Area to protect human health and the environment with respect to VOCs in soils. However, any attempt to develop the SIBW Landfill Area should be coordinated with the Arizona Department of Environmental Quality (ADEQ), as well as other appropriate state and local agencies, to ensure that non-CERCLA environmental issues associated with these properties are fully investigated and addressed prior to development of the area. In accordance with 40 CFR 300.425(e)(1)(ii), EPA has determined that all appropriate Fund-financed response under CERCLA has been implemented in accordance with the 1993 Soils ROD, and no further response action by responsible parties is appropriate.

While EPA does not believe that any future response actions at the SIBW Deletion Area will be needed with respect to CERCLA, if future conditions warrant such action, the proposed deletion area of the SIBW Site remains eligible for future Fund-financed response actions. In order to be eligible for future Fund-financed response actions the deleted portion of the SIBW site would either have to be re-listed on the NPL or an imminent and substantial threat would have to be documented that would warrant a CERCLA removal action. Furthermore, this partial deletion does not alter the status of the groundwater operable unit or the remaining subsites of the SIBW Site which are not proposed for deletion and remain on the NPL.

In a letter dated July 2, 2002 the State of Arizona through its Department of Environmental Quality, has pledged its support for the partial deletion of this portion of the SIBW Site.

Dated: February 14, 2003.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*

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## **FEDERAL EMERGENCY MANAGEMENT AGENCY**

### **44 CFR Part 5**

#### **RIN 3067-AC75**

#### **Production or Disclosure of Information**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** On August 28, 1998, FEMA published a proposed rule concerning the production or disclosure of information, (63 FR 45982). There have been numerous changes to FEMA's program for the production or disclosure of information since FEMA published this notice of proposed rulemaking. Therefore, FEMA is withdrawing its notice of proposed rulemaking for the production or disclosure of information.

**DATES:** February 28, 2003.

#### **FOR FURTHER INFORMATION CONTACT:**

Gayle Furtney, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (202) 646-4079, (facsimile) (202) 646-4536, or e-mail [Gayle.Furtney@fema.gov](mailto:Gayle.Furtney@fema.gov).

**SUPPLEMENTARY INFORMATION:** On August 28, 1998, FEMA published a Notice for proposed rulemaking for the production or disclosure of information, (63 FR 45982). There have been numerous changes to FEMA's program for the production or disclosure of information since FEMA published its August 28, 1998 Notice of proposed rulemaking. Therefore, FEMA is withdrawing its notice of proposed rulemaking for the production or disclosure of information.

**Authority:** 5 U.S.C. 552 as amended by sections 1801-1804 of the Omnibus Anti-Drug Abuse Act of 1986 which contains the Freedom of Information Reform Act of 1986 (Pub. L. 99-570); 5 U.S.C. 301 (Pub. L. 85-619); Reorganization Plan No. 3 of 1978; E.O. 12127; and E.O. 12148.

Dated: February 20, 2003.

**Michael D. Brown,**  
Deputy Director.

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Part 4

[USCG-2001-8773]

RIN 2115-AG07

### Marine Casualties and Investigations; Chemical Testing Following Serious Marine Incidents

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes changing the alcohol testing requirements for commercial vessels following a serious marine incident. The 1998 Coast Guard Authorization Act requires the Coast Guard to establish procedures ensuring alcohol testing is conducted within two hours of a serious marine casualty. The Coast Guard proposes to establish requirements for testing within the statutory time limits, to expand the existing requirements for commercial vessels to have alcohol-testing devices on board, and to authorize use of a wider variety of testing devices. This rulemaking would also make additional minor procedural changes to Part 4, including a time limit for conducting drug testing following a serious marine incident.

**DATES:** Comments and related material must reach the Docket Management Facility on or before June 30, 2003. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before April 29, 2003.

**ADDRESSES:** To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG-2001-8773), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call Mr. Robert C. Schoening, Coast Guard, at 202-267-0684. If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-5149.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (USCG-2001-8773), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume

65, Number 70; pages 19477-78) or you may visit <http://dms.dot.gov>.

#### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that a public meeting would be helpful to this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

#### Background and Purpose

The current regulations in 46 CFR part 4 require marine employers to take all practicable steps after a serious marine incident (SMI) to ensure that chemical testing is conducted. The regulations do not specify a time requirement for completing the tests for alcohol or for dangerous drugs following an SMI. Without a specified timeframe to conduct alcohol or drug testing after an SMI, in some instances tests were not conducted, and in other instances tests were not completed soon enough for the results to provide a determination of whether alcohol was present in an individual's system at the time the SMI occurred.

In 1998, Congress passed Public Law 105-383 which revised Title 46, U.S. Code, by adding a new section 2303a—"Post serious marine casualty alcohol testing" (hereafter section 2303a). Section 2303a requires the Coast Guard to establish procedures ensuring that after a serious marine casualty occurs, required alcohol testing is conducted no later than two hours after the casualty occurred. If the alcohol testing cannot be conducted within that timeframe because of safety concerns directly related to the casualty, section 2303a requires the alcohol testing to be conducted as soon thereafter as the safety concerns have been adequately addressed to permit such testing. However, section 2303a prohibits us from requiring alcohol testing to be conducted more than eight hours after the casualty occurs.

The Coast Guard requires that alcohol and drug testing be conducted after a serious marine incident. Section 2303a uses the term "serious marine casualty." For the purpose of this rulemaking serious marine casualty means the same as *serious marine incident* (SMI) as defined in 46 CFR 4.03-2. Section 2303a also uses the phrase "safety concerns directly related to the casualty" as the only reason the marine employer may postpone alcohol testing following an SMI.