

Harvest limits	Open season
Unit 26(A)—10 caribou per day; however, cow caribou may not be taken May 16–June 30. Federal lands south of the Colville River and east of the the Killik River are closed to the the taking of caribou by non-Federally qualified subsistence users from Aug. 1–Sept. 30.	July 1–June 30.
Unit 26(B)—10 caribou per day; however, cow caribou may be taken only from Oct. 1–Apr. 30	July 1–June 30.
Unit 26(C)—10 caribou per day	July 1–Apr. 30.
Not more than 5 caribou per regulatory year may be transported from Unit 26 except to the community of Anaktuvuk Pass	
Sheep:	
Unit 26(A)—those portions within the Gates of the Arctic National Park—3 sheep	Aug. 1–Apr. 30.
Unit 26 (A) and (B)—that portion within the Gates of the Arctic National Park—Anaktuvuk Pass residents only—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 26(A)—that portion west of Howard Pass and the Etivluk River	No open season.
Unit 26(B)—that portion within the Dalton Highway Corridor Management Area—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Remainder of Unit 26 (A) and (B)—including the Gates of the Arctic National Preserve—1 ram with 7/8 curl horn or larger.	Aug. 10–Sept. 20.
Unit 26(C)—3 sheep per regulatory year; the Aug. 10–Sept. 20 season is restricted to 1 ram with 7/8 curl horn or larger. A Federal registration permit is required for the Oct. 1–Apr. 30 season.	Aug. 10–Sept. 20. Oct. 1–Apr. 30.
Moose:	
Unit 26(A)—that portion of the Colville River drainage downstream from the mouth of the Anaktuvuk River—1 bull. Federal public lands are closed to the taking of moose by non-Federally qualified subsistence users.	Aug. 1–31.
Remainder of Unit 26	No open season.
Muskox: Unit 26(C)—1 bull by Federal registration permit only; up to 15 permits may be issued to rural Alaska residents of the village of Kaktovik only. Public lands are closed to the taking of muskox, except by rural Alaska residents of the village of Kaktovik during seasons identified above.	Sept. 15–Mar. 31.
Coyote: 2 coyotes. Sept. 1–Apr. 30.	
Fox, Arctic (Blue and White Phase): 2 foxes. Sept. 1–Apr. 30.	
Fox, Red (including Cross, Black and Silver Phases):	
Unit 26 (A) and (B)—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Unit 26(C)—10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 15 wolves.	Aug. 10–Apr. 30.
Wolverine: 5 wolverine.	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession.	Aug. 10–Apr. 30.

Trapping

Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit Nov. 1–Apr. 15.	
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

Dated: June 26, 1997.
James A. Caplan,
Acting Regional Forester, USDA-Forest Service.
 Dated: July 1, 1997.
Thomas H. Boyd,
Acting Chair, Federal Subsistence Board.
 [FR Doc. 97-18657 Filed 7-24-97; 8:45 am]
BILLING CODE 3410-11-P; 4310-55-P

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 300
[FRL-5862-5]
Deletion of a Site From the National Priorities List for Uncontrolled Hazardous Waste Sites
AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice of intent to delete the Frit Industries Superfund Site from the National Priorities List; request for comments.
SUMMARY: The U.S. Environmental Protection Agency ("EPA"), Region 6,

announces its intent to delete the Frit Industries Superfund site ("Site") located in Walnut Ridge, Arkansas, from the National Priorities List ("NPL") and requests public comment. The NPL, a list of sites EPA evaluates for priority cleanup of hazardous wastes, is found in Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") which is 40 CFR part 300, Appendix B. EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"). The EPA and the State of Arkansas propose this deletion under the terms of a policy published in the **Federal Register** on March 20, 1995. In

this policy EPA announced that, consistent with NCP criteria for deletion of sites from the NPL, the Agency would delete sites if corrective actions were proceeding pursuant to the Deletion Policy for Resource Conservation and Recovery Act, ("RCRA"). The EPA, in consultation with the Arkansas Department of Pollution Control and Ecology has determined that all appropriate RCRA response activities conducted at the site to date and scheduled in the future are enforceable and have been and will remain protective of public health and the environment. Moreover, that this deferral to RCRA corrective authorities is appropriate.

DATES: The EPA will accept comments concerning its proposal for deletion on or before August 25, 1997.

ADDRESSES: Comments should be mailed to: Mr. Donn R. Walters, Community Relations Coordinator, U.S. EPA, Region 6 (6SF-P), 1445 Ross Avenue, Dallas, Texas 75202-2733, 1-800-533-3508 or (214) 665-6483.

In accordance with 40 CFR 300.425(e)(4)(iii) copies of the information supporting the proposed deletion are in the following repositories:

Felix Goodson Library, Attention: Mrs. Marilyn Goodwin, Librarian: Williams Baptist College, Walnut Ridge, Arkansas 72476, (501) 886-6741 Call First on Hours Open, Variable (Non-College Session)

General—Open Monday to Friday 9 a.m.–4 p.m. (When College is in Session)

Monday through Thursday 8 a.m. to 10 p.m.

Friday 8 a.m. to 5 p.m.

Saturday 10 a.m. to 12 Noon and 1 p.m. to 4 p.m.

Sunday 1 p.m. to 5 p.m.

U.S. EPA, Region 6, Library (6MD-II), 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6424 or 665-6427, Hours of Operation: 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays

Arkansas Department of Pollution Control and Ecology, Attn: Mr. Clark McWilliams, RCRA State Project Manager, 8001 National Drive, Little Rock, Arkansas 72219, (501) 682-0850. Hours of Operation: 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest R. Franke, P.E., Remedial Project Manager (6SF-AP), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Telephone: (214) 665-8521.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency ("EPA") Region 6 announces its intent to delete the Frit Industries Site from the National Priorities List ("NPL"), 40 CFR part 300, appendix B, and requests comments on this deletion. The EPA will accept comments on the deletion of this Site for thirty days after publication of this notice in the **Federal Register**.

The NPL is a list of sites that EPA evaluates for priority cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601, *et seq.* Listing of a site on the NPL does not, itself, create, alter or revoke any individual rights or obligations under CERCLA, or any other law. The NPL is designed primarily for information purposes and to assist Agency management. Sites on the NPL may be remediated using the Hazardous Substances Superfund ("Superfund" or "Fund") established by section 9507 of the Internal Revenue Code of 1986. Use of this fund for cleanup of hazardous substances is governed by section 111 of CERCLA, 42 U.S.C. 9611, and implementing regulations.

As a general matter, deletion of the Frit Industries Site from the NPL will clarify that Arkansas Department of Pollution & Ecology, Office of Resource Conservation and Recovery Act ("RCRA") Programs will have primary responsibility for ensuring that the hazardous wastes released at the Site are appropriately remediated.

Notwithstanding any such deletion of this Site from the NPL, in the event that conditions at this Site warrant additional remedial corrective action, this Site remains eligible for Fund-financed remedial action. Pursuant to section 300.425(e)(3) of the NCP, 40 CFR 300.425(e)(3): "All releases deleted from the NPL are eligible for further Fund-financed remedial actions should future conditions warrant such action.

Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the [Hazard Ranking System]." Therefore, deletion of this, or any other, site from the NPL does not preclude eligibility for subsequent Fund-financed remedial action if future conditions warrant such action.

Section II of this notice summarizes the criteria for deleting sites from the

NPL. Section III summarizes the procedural steps EPA takes prior to deleting a site from the NPL. Section IV discusses the Frit Industries Site and explains how the Frit Industries Site meets the deletion criteria.

II. NPL Deletion Criteria

The National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR part 300, establishes the criteria the Agency uses to delete sites from the NPL. Section 300.425(e) of the NCP, 40 CFR 300.425(e), 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 shall consider, in consultation with the appropriate state, whether the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further action by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Consistent with Sec. 300.425(e) of the NCP, 40 CFR 300.425(e), EPA proposes deletion of the Frit Industries Site because, as explained further below, no further CERCLA response is appropriate. This determination is based on a new policy that EPA has adopted for implementation of the NPL deletion criteria. This new policy, entitled "The National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion Policy for Resource Conservation and Recovery Act Facilities," was published in the **Federal Register** on March 20, 1995 (60 FR 14641). This new policy sets forth the following criteria and their general application for deleting RCRA facilities from the NPL:

1. If evaluated under EPA's current RCRA/NPL deferral policy (which refers to the policy in effect at the time the deletion decision is made. As past **Federal Register** notices demonstrate, the RCRA/NCP deferral policy has changed, and may continue to change based upon the Agency's continued evaluation of how best to implement the statutory authority of RCRA and CERCLA), 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; and
 4. Deletion would not disrupt an ongoing CERCLA action.

Under this new policy, two types of sites may be eligible for deletion: (1) Sites that would be eligible for deferral under current deferral criteria, but were not deferred because the deferral policy at the time of listing was different; and (2) sites that were not eligible for deferral when listed, but now may be eligible because of changed conditions at the site (e.g., the site is now in compliance with a corrective action order). For facilities within the second category, the Agency reviews the original listing rationale together with current information to ascertain whether conditions at the site have changed sufficiently to warrant deletion from the NPL.

III. Deletion Procedures

Prior to deleting a site from the NPL, 40 CFR 300.425(e) requires that EPA provide the appropriate state with thirty (30) working days to review the proposed notice of intent to delete. After providing the appropriate state authorities with such opportunity for review, EPA must next provide the public with a minimum of thirty (30) calendar days to provide comments to the appropriate EPA Region. Prior to deleting a site from the NPL, EPA must receive concurrence from the appropriate state authorities. Additionally, EPA must respond to each significant comment and any significant new data submitted during the public comment period. A deletion occurs when the Regional Administrator places a notice of final deletion in the **Federal Register**. Generally, the NPL will reflect deletion in the final update following deletion. After the notice of final deletion is published, EPA is required to place the final deletion package in a local information repository. As mentioned in Section I (Introduction) of this document, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

With respect to this notice of intent to delete, EPA has provided the Arkansas Department of Pollution Control and Ecology (ADPC&E) with a thirty (30) working day period for review and comment. The ADPC&E has provided EPA Region 6 with its concurrence on this notice of intent to delete. Before making the final decision as to whether to delete the Frit Industries Site from the NPL, EPA Region 6 will respond to each significant comment and any significant new data submitted during the public comment period in a

Responsiveness Summary. In addition to this notice of intent to delete, EPA Region 6 has published a notice of availability of this notice of intent to delete in a major local newspaper and has placed copies of documents supporting this notice in an information repository at or near the Frit Industries Site. After the public comment period has closed, copies of the Responsiveness Summary will be made available to interested parties by the EPA Region 6. In the event that EPA issues a notice of final deletion for the Frit Industries Site, EPA Region 6 will place the final deletion package in the local repository.

IV. Basis for Intended Site Deletion

The following summary provides the EPA's rationale for the intention to delete the Frit Industries Site ("Site") from the NPL.

A. Site Background

Frit Industries, Inc., has operated a micronutrient fertilizer additive manufacturing facility on approximately 22 acres of land leased from the City of Walnut Ridge, Arkansas, from 1973 to the present. In 1979, a major on-site fire in a storage building resulted in contaminants being released by air emissions as well as surface and ground water runoff. The incident focused public attention and resulted in a site evaluation. The site was evaluated by EPA with a HRS composite package score of 39.47. This score resulted in the site being placed on the NPL on November 24, 1982.

Frit Industries had an electric arc furnace and brass mill baghouse materials on site from 1973 to 1987 with hazardous waste K061 (emission control dust/sludge from the primary production of steel in electric furnaces), D006 (cadmium), and D008 (lead); this placed the site under the Arkansas State RCRA program. The lead agency, the ADPC&E, determined that three unit areas of the site are subject to regulation as hazardous waste management facilities in accordance with applicable regulations promulgated in the Arkansas Hazardous Waste Management Act, A.C.A. Section 8-7-214, and the Arkansas Hazardous Management Code.

An Administrative Order On Consent (AOC), Document Number CERCLA VI-1-83, was issued pursuant to section 106(a) of CERCLA, 42 U.S.C. 9606(a), Executive Order 12316, August 20, 1981, and 46 Federal Regulation 42237. This was dated, entered, and effective February 3, 1983, between Frit Industries, Inc., and the USEPA. The order was divided into three sections requiring action: Surface Water, Ground Water, and Substances Stored on Site.

Considerable work and progress had already been completed on many of the items addressed in the order before the effective date of the order. The investigations and actions that were required by the CERCLA Administrative Order were completed in August 1989. Mr. Carl Schauble, Executive Vice President of Frit Industries documented completion of the AOC and requested the Frit Industries facility be removed from the NPL.

Pursuant with 40 CFR 272.201, section 3006(b) of RCRA, 42 U.S.C. 6926(b), the lead agency for Frit Industries is the Arkansas Department of Pollution Control and Ecology (ADPC&E).

As the result of an appeal of a Final Closure Plan (May 1989), which was approved with modifications by the State of Arkansas (ADPC&E) on February 28, 1990, Frit Industries, Inc., entered into an agreement with the ADPC&E, by signing a Consent Administrative Order (CAO) LIS No. 91-161. The CAO required a facility investigation (FI) of the site. On November 4, 1991, Frit Industries employed American Environmental Engineering of Leeds, Alabama, (Engineer) to conduct the FI and to prepare a report of the finding of the investigation.

In the FI Report, section 3, Source Characterization, the Engineer identifies fourteen Solid Waste Management Units (SWMU's). These are listed with history and status as follows:

SWMU #1—Granulated Facility Storage Unit (160'x120' Bldg.) The granulated storage building was built by the U. S. Army Corps of Engineers in the early 1940's. This area was used during and after World War II to perform maintenance on aircraft, clean engines, and to store and repair batteries. Historical documents reveal problems with soil contamination from those operations. This facility was used by all of the previous lessees and Frit Industries. Electric arc furnace dust was stored in the facility in 1973 when Frit Industries first began operations. This building was demolished and decontaminated between September 1988 and March 1989. The current Closure Action is pending the State's RCRA scheduled CAO action items.

SWMU #2—Unidentified Depression—Historical documents confirm SWMU #2 was not constructed or operated as a surface water impoundment by Frit Industries, rather it is a site low point (ponding area) of the facility yard.

SWMU #3—Unidentified Pond—former surface water impoundment area. The area in which SWMU #3 is

located is the general area where Texas Railway and Equipment Company and Aircraft Conversion Company (TRECO/ACC) operated an aluminum recovery smelter during the period 1946 to 1948. This recovery operation consisted of the scrapping and smelting of surplus aircraft from World War II. Swindle Field, which included the current Frit Industries facility, was estimated to have processed 5,000 to 10,000 airplanes. Debris from this operation litters the top soil of the region south of the Frit facility and west of the Municipal Airport runway. The area, which was closed in 1982, covers $\frac{1}{3}$ of an acre.

SWMU #4—Zinc Sulfate Storage—This unit was also within the area of the post-World War II smelting operation, and it was at this location where the U.S. Army Air Corps stored aviation fuel in 50,000 gallon above-ground storage tanks, which were documented to have leakage problems. The Zinc Sulfate Storage area is a unit that was used between 1977 and 1989 to store brass mill baghouse dust. It was built of corrugated steel on a 36' x 80' concrete slab. The closure plan for the Zinc Sulfate facility was prepared by NOVA Environmental Services. The plan was approved by the State of Arkansas (ADPC&E) on February 28, 1990. The facility was partially closed and dismantled in 1990.

SWMU #5—Primary Pond—This pond was constructed in 1980 to contain and recycle site storm water runoff in the immediate area of the zinc sulfate facility. Closure activity consisted of using a new lined pond constructed under SWMU #7. The pond was closed October 27, 1986.

SWMU #6—Surge Pond—This was a former unlined surface impoundment from 1984 until its closure approval by State of Arkansas (ADPC&E) in 1993.

SWMU #7—Overflow Pond—The overflow pond is adjacent to the surge pond and receives effluent from the surge pond. The pond was constructed with a synthetic geotextile liner in 1984 and is not a RCRA unit. This pond provides flow equalization to the waste water treatment plant. The overflow pond replaces two smaller ponds identified as 7a and 7b which were previously located between the southwestern one-half of the present-day overflow pond. The smaller ponds were the former settling and neutralization ponds that functioned to settle solids and adjust water pH used for super-phosphate production. The production of this product and use of these ponds was discontinued in 1973.

SWMU #8—Alleged Dump Site—An alleged pesticides dumpsite was located south of the surge and overflow ponds.

This site was investigated by EPA during a visual site investigation on December 11 and 12, 1986, but the location could not be identified during this investigation. An EM-31 Conductive Survey for buried drums was completed by ADPC&E and no drums were detected or found.

SWMU #9—Waste Water Treatment Plant—The waste-water treatment plant is located between the overflow pond and the employee change house. This facility operates under a National Pollutant Discharge Elimination System (NPDES) Permit and the outfall is located at the southwest corner of the site. Construction of the treatment plant was completed in September 1984 and the plant began operation the following month. The filter cake generated by the treatment plant is recycled into Frit Industries micronutrient production process.

SWMU #10—Product Storage Warehouse—The product warehouse is located in the central portion of the site, east of the overflow pond on the southeast side of Avenue B. A fire destroyed a portion of the former product storage building in the warehouse area on February 18, 1979. A new warehouse was then constructed and continues to be used for storing raw materials, finished products, and packing materials used at the site.

SWMU #11—Acid Cutting Pits for Sulfuric Acid—This unit consisted of former pits used to dilute or cut sulfuric acid for use in the manufacture of superphosphates. These pits were located east of the overflow pond on the southeast side of Avenue B. In 1954 the superphosphate plant was constructed by Spencer Chemical Company and ArkMo Plant Food Company. When Frit Industries started operations at the site in 1973, the superphosphate production plant was shut down and dismantled. Final Closure action is pending soils sampling and ground water results; these operations are scheduled in the three listed RCRA activities.

SWMU #12—Fire Water Pond—This pond was constructed in 1971 at the plant entrance, northwest of Avenue B and northeast of Mill Street in the northern portion of the site. The pond is used to collect storm water overflow; runoff goes to SWMU #7 and SWMU #9.

SWMU #13—Original Containment Area—This storage area consists of the original containment area used to store raw materials; however, TRECO/ACC operated the aluminum recovery smelter of the airplane demolition (see SWMU #3 above) in this immediate area.

SWMU #14—Former Waste Pile. These materials were removed to a landfill near Paragould, Arkansas. No hazardous waste or constituents are known or have been documented to be present in this material.

Under this RCRA closure SWMU 1, SWMU 4, SWMU 5, SWMU 6 and SWMU 11 are analyzed compositely to determine how these units impact ground water and it will be on a site-wide basis. Ground water and the other site medias of surface water, and air, will be addressed within the scheduled eminent major submittals namely, the Baseline Risk Assessment, the identification and development, evaluation, justification of Corrective Measure Alternatives, and Corrective Measure Implementation.

B. Documentation That the Frit Industries Site Meets RCRA Deferral Criteria Set Forth in EPA's March 20, 1995, Policy

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

At the time of the NPL listing, the Site posed a threat to human health and the environment that was not being addressed under either CERCLA or RCRA corrective action authorities. At that time, EPA determined that the most expeditious way to address the contamination at the Site was through the use of CERCLA authorities. Since that determination, Frit Industries and ADPC&E on February 28, 1990, entered into a RCRA CAO LIS No. 91-161 and the order has been addressing all of the contamination at the Site pursuant to section 3008(h) of RCRA. Frit Industries fulfilled the conditions of the RCRA CAO and is currently in compliance with the Order. Consequently, if this Site were evaluated for NPL listing under the current conditions, the Site would qualify for deferral to RCRA.

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

As described previously, EPA and Frit Industries entered into a RCRA CAO, pursuant to section 3008(h) of RCRA, on February 3, 1983. Under the terms of that AOC, Frit Industries was required to complete an on-site and off-site investigation of the nature and extent of the release of hazardous wastes from the Site and to conduct a study to evaluate various cleanup alternatives. Frit Industries subsequently fulfilled the conditions of this AOC.

As also described previously, ADPC&E and Frit Industries entered

into a RCRA CAO, pursuant to section 3008(h) of RCRA, on February 28, 1990. The 1990 RCRA CAO will remain in effect until such time when ADPC&E determines that the terms of this order have been satisfied. Frit Industries has been in compliance with the RCRA CAO. All known groundwater contamination is being addressed through ADPC&E and EPA's exercise of its corrective action authorities pursuant to RCRA.

3. Response under RCRA is progressing adequately.

Corrective action is progressing satisfactorily under the RCRA CAO, as described above. There has been no history of protracted negotiations due to lack of cooperation. See 60 FR 14642, 14643 (March 20, 1995).

4. Deletion would not disrupt an ongoing CERCLA action.

The EPA has received the following concurrence from ADPC&E: "The ADPC&E concurs in the decision to delete the site from the NPL, but reserves all of its rights, abilities and authorities to address contamination at the site and to pursue responsible parties regarding this contamination."

The EPA concludes that this Site meets the criteria under the new NPL deletion policy and announces its intention to delete the Site from the NPL.

The EPA believes it is appropriate to delete sites from the NPL based upon the deferral policy to RCRA under these established circumstances. Deletion of this site from the NPL to defer it to RCRA Subtitle C corrective action authorities avoids possible duplication of effort and the need for Frit Industries to follow more than one set of regulatory procedures. Moreover, EPA and the State of Arkansas (ADPC&E) have determined that remedial actions conducted at the site to date and scheduled in future under RCRA actions have been and will remain protective of public health, and the environment.

Dated: June 30, 1997.

Approved By:

Lynda F. Carroll,

Acting Regional Administrator.

[FR Doc. 97-19396 Filed 7-24-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5862-9]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete Union Pacific Railroad Sludge Pit Site from the National Priorities List Update: Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA), Region 10, announces its intent to delete the Union Pacific Railroad (UPRR) Sludge Pit Site in Pocatello, Idaho from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Idaho Division of Environmental Quality (IDEQ) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning this Site may be submitted on or before August 25, 1997.

ADDRESSES: Comments may be mailed to: Deborah J. Yamamoto, Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop ECL-113, Seattle, Washington 98101.

Comprehensive information on this Site is available through the Region 10 public docket which is available for viewing at the UPRR Sludge Pit Site information repositories at the following locations:

Pocatello Public Library, 113 S.

Garfield, Pocatello, Idaho 83204.

United States Environmental Protection Agency, Region 10 Office of Environmental Cleanup—Records Center, Attn: Bob Phillips, 1200 Sixth Avenue, Mail Stop ECL-110, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Deborah J. Yamamoto, U.S. EPA Region 10, 1200 Sixth Avenue, Mail Stop ECL-113, Seattle, Washington 98101, (206) 553-7216.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency (EPA), Region 10 announces its intent to delete a site from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments to this deletion. EPA identifies sites on the NPL that appear to present a significant risk to human health or the environment. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA plans to delete the Union Pacific Railroad Sludge Pit Site ("Site") at 300 South Harrison, Pocatello Idaho, 83201, from the NPL.

EPA will accept comments on the plan to delete this Site for thirty days after publication of this document in the **Federal Register**.

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

II. NPL Deletion Criteria

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

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

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate, or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants or contaminants remain at the site *above* levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years