with Small Business Administration (SBA) policy, this determination will be provided to the Chief Counsel for Advocacy of the SBA upon request.

List of Subjects

40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additive, Pesticides and pests, Reporting and recordkeeping requirements.

40 CFR Part 185

Environmental protection, Food additives, Pesticides and pests.

Dated: May 22, 1997.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Therefore, 40 CFR Chapter I is proposed to be amended as follows:

PART 180—[AMENDED]

In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. Section 180.501 is added to read as follows:

§ 180.501 Hydroprene; tolerances for residues.

A tolerance of 0.2 part per million is established for residues of hydroprene [(*S*)-(Ethyl (2*E*,4*E*,7*S*)-3,7,11 trimethyl-2,4-dodecadienoate)], (CAS Reg. NO. 65733–18–8)# on all food items in food-handing establishments in accordance with the following prescribed conditions:

(a) Application shall be limited to spot, crack and crevice, perimeter and ultra low volume (ULV) fogging treatment in food storage or food-handling establishments, including warehouses, food service, manufacturing, and processing establishments such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants, and canneries where food and food products are held, processed, and served: Provided that the food is removed or covered prior to such use, and food-processing surfaces are covered during treatment or thoroughly cleaned before using, or in the case of point-source device treatments, devices must not come into direct contact with food preparation surfaces and must be in a minimum distance of 3 feet from exposed foods.

(b) To assure safe use of the insect growth regulator, the label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

PART 185—[AMENDED]

In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

§ 185.3625 [Removed]

b. Section 185.3625 is removed.

[FR Doc. 97–14298 Filed 6–3–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5830–9]

National Oil and Hazardous Substance Pollution Contingency Plan

National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Bayou Sorrel Superfund Site from the National Priorities List and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Bayou Sorrel Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA and the State of Louisiana, through the Louisiana Department of Environmental Quality (LDEQ), have determined that the Site poses no significant threat to public health, welfare, or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: The EPA will accept comments concerning its proposal to delete this Site from the NPL until July 7, 1997.

ADDRESSES: Comments may be mailed to: Mr. Verne McFarland, Community Relations Coordinator (6SF–P), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6617.

Information Repositories: Comprehensive information on the Site is available through the public docket which is available for viewing at the Bayou Sorrel Superfund Site information repositories at the following locations:

U.S. EPA Region 6 Library (12th Floor), 445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6424 / 665–6427.

Louisiana Department of Environmental Quality, 290 Bluebonnet Road, Baton Rouge, Louisiana 70809, (504) 765–0487.

Police Jury of Iberville Parish, 10 Meriam, Plaquemine, LA 70765, (504) 687–5190.

Iberville Parish Library, 501 J. Gerald Berret Blvd., Plaquemine, LA 70765, (504) 687–2520.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen L. Tzhone, Remedial Project Manager (6SF–LP), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8409.

SUPPLEMENTARY INFORMATION:

Table of Contents

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

Appendices

A. Site Map
B. Deletion Docket Information

I. Introduction

The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Bayou Sorrel Superfund Site (Site) from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Code of Federal Regulations, Title 40 (40 CFR), Part 300, and request 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. As described in section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action.

The EPA will accept comments concerning its intent to delete for thirty (30) days after publication of this document in the **Federal Register** and a newspaper of record.

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 Bayou Sorrel Superfund Site and how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release 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 response under CERCLA has 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 after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of the Site:

(1) EPA Region 6 has recommended deletion and has prepared the relevant documents;

(2) The State of Louisiana concurred by letter dated January 30, 1997, with the deletion decision;

(3) A notice has been published in the local newspaper and has been distributed to appropriate federal, state, 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

(4) All relevent documents have been made available for public review in the local Site information repositories.

Deletion of a site 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. As mentioned in Section II of this document, section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions.

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 information provides the Agency's rationale for the proposal to delete this Site from the NPL:

A. Site Location

The Site is located in section 40, 41, 42, 43 and in Township 10 South, Range 10 East, in Iberville Parish, Louisiana, approximately 20 miles southwest of Baton Rouge and six miles northwest of the town of Bayou Sorrel. The Site is ''T'' shaped and encompasses 265 acres of land. The west border of the Site is bound by a man-made drainage feature called ''Borrow River'' and approximately 100 yards west of Borrow River is the Atchafalaya Basin Protection Levee. The northern side of the Site is bound by the Upper Grand River and the eastern side is bound by the Pat Bayou. Undeveloped swamp land is adjacent to the Site on the south.

Access to the Site from the north is along the unpaved levee road 14 miles south of its intersection with Interstate 10 at Ramah, Louisiana. The same unpaved levee road provides access to the south of the Site from its origin six miles north of the town of Bayou Sorrel. The Upper Grand River also provides barge access to the Site.

B. Site History

Bayou Sorrel Superfund Site is a remediated and inactive site currently under an Operations and Maintenance (O&M) Plan agreed upon by the EPA and the potentially responsible parties. One million cubic feet of contaminated soil and sediments are entombed beneath two multi-layered, protective caps with 30 feet deep concrete barriers to halt any residual migration of pollution into groundwater and adjacent wetlands. The O&M Plan calls for 30 years of Site maintenance and monitoring to ensure the effectiveness of the cleanup activities.

The Site is known locally as the ''Grand River Pits,'' and was a petrochemical waste dump/landfill operated by the Environmental Purification Advancement Corporation (EPAC) from 1977 to 1978. Wastes were received by EPAC and dumped on approximately 50 acres of the total Site acreage. Disposed wastes included process wastes from pesticide and herbicide manufacturing, sulfide containing wastes from petrochemical manufacturing and petroleum exploration and production, and spent wash solutions from boiler cleaning. Incompatible chemicals were mixed haphazardly in four landfills, one drum burial area, four open ponds, and one landfarm.

In 1978, a truck driver died at the site when liquid waste dumped from his truck reacted with the disposed wastes to create lethal hydrogen sulfide gas. The 18th Judicial District Court ordered the Site closed and EPAC conducted closure activities from 1978 to 1979. Wastes were de-watered and transferred from three ponds to a fourth pond where solids were concentrated by evaporation and landfarming. The wastes were then combined with native soils and the ponds filled in and contoured.

After site closure, complaints about odors and surface water contamination in the swamps south of the Site were received by the State. To protest the continuing pollution from flooding and to stop trucks from dumping more waste into the ''Grand River Pits,'' area residents burned a bridge leading to the Site.

Based on the information obtained from the State, the Site was proposed to EPA's NPL on December 20, 1982, and finalized on September 8, 1983. This listing action provided the mechanism for EPA to use federal monies for cleanup actions at the Site. Consequently, the EPA conducted a Remedial Investigation to determine the nature and extent of wastes at the Site and a Feasibility Study to evaluate various cleanup alternatives. Following a public comment period, EPA signed the Record of Decision (ROD) for the Site in 1986. The cleanup remedy selected in the ROD was completed in 1990 and included the following remedial activities:

- Regrading the site to limit runoff of contaminants, control erosion, and divert storm water from the waste ponds;
- Covering two former disposal areas with topsoil/geomembrane/clay caps and installing a venting system to reduce the buildup of methane gas beneath the cap and a pore water

drainage system above the wastes and below the caps;

- Installing underground concrete barriers or ''slurry walls'' around the waste ponds to stop contaminant migration into ground water;
- Enclosing capped areas with security fences and building access roads to allow continued use of adjacent recreational land; and
- Installing a ground water monitoring system to monitor the effectiveness of the remedy.

C. Characterization of Risk

Continued monitoring of groundwater demonstrate that no significant risk to public health or the environment is posed by the hazardous materials remaining at the Site. Based on the successful remedial actions addressing the hazardous materials onsite, the monitoring results of O&M activities to date, and the public health consultation by the Agency for Toxic Substances and Disease Registry (ATSDR), EPA verifies the implemented Site remedy is protective of human health and the environment.

D. Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the Site deletion from the NPL have been available to the public in the four information repositories.

E. Proposed Action

EPA, with concurrence of the State of Louisiana, has determined that all appropriate responses under CERCLA at the Bayou Sorrel Superfund Site have been completed, and that no further response actions, other than O&M and Five-Year reviews, are necessary. Therefore, EPA is proposing deletion of this Site from the NPL.

Dated: May 21, 1997.

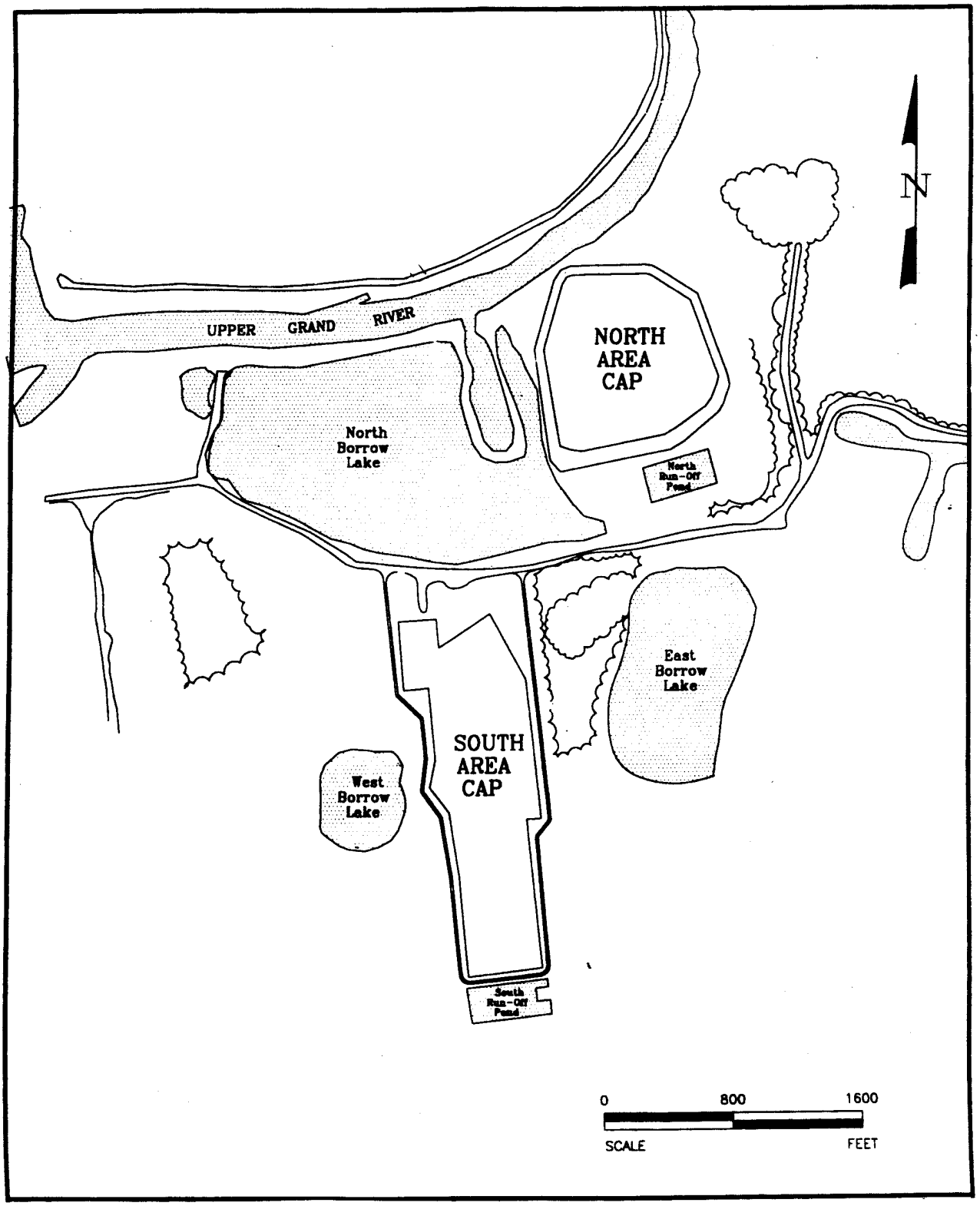
Myron O. Knudson,

Acting Regional Administrator, U.S. EPA Region 6.

BILLING CODE 6560–50–P

APPENDIX A

SITE MAP



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Appendix B—Bayou Sorrel Deletion Docket

- Remedial Investigation Report, Vol. I and II, CH2M Hill, November 27, 1985.
- Feasibility Study Report, CH2M Hill and SRW Associates, January 31, 1986.
- Endangerment Assessment, Life Systems, Inc., February 21, 1986.
- EPA Record of Decision, USEPA Region 6, November 14, 1986.
- Remedial Concept Design, ERM-Southwest, Inc., March 18, 1987
- Ground Water Statistics Plan, ERM-Southwest, Inc., April 28, 1987.
- Operation and Maintenance Plan, ERM-Southwest, Inc., December 14, 1988.
- Health Assessment, ATSDR, April 6, 1989.
- Quality Assurance Project Plan, ERM-Southwest, Inc., April 24, 1989.
- Sampling and Analysis Plan, ERM-Southwest, Inc., October 26, 1990.
- Remedial Action Report, ERM-Southwest, Inc., October 30, 1990.
- EPA Final Closeout Report, USEPA Region 6, May 26, 1992.
- EPA Five-Year Review, USEPA Region 6, September 30, 1993.
- Health Consultation, ATSDR, May 8, 1995.
- Regional Arsenic Groundwater Information, ERM-Southwest, Inc., December 6, 1995.
- Ground Water Statistics Report Post-Construction Year 6, Vol. I and II, ERM-Southwest, Inc., December 30, 1996.
- EPA Risk Assessment Concurrence on Deletion, USEPA Region 6, January 15, 1997.
- Louisiana State Concurrence on Deletion, LDEQ, January 30, 1997.
- Notice of Intent to Delete, USEPA Region 6, February 21, 1997.

[FR Doc. 97–14579 Filed 6–3–97; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF ENERGY

48 CFR Parts 932 and 970

RIN 1991–AB29

Acquisition Regulation: Contract Financing; Management and Operating Contracts

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE) proposes to amend its Acquisition Regulation to incorporate coverage required by the Federal Acquisition Streamlining Act of 1994. These amendments will clarify the allowability of costs reimbursed under Department of Energy contracts and establishes the responsibilities of the remedy coordination official within the Department.

DATES: Written comments must be submitted no later than August 4, 1997.

ADDRESSES: Comments should be addressed to: Terrence D. Sheppard, Office of Policy (HR–51), Office of Procurement and Assistance Management, Department of Energy, 1000 Independence Avenue S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Terrence D. Sheppard (202) 586–8193.

SUPPLEMENTARY INFORMATION:

I. Background
II. Section by Section Analysis
III. Public Comments
IV. Procedural Requirements
A. Review Under Executive Order 12866
B. Review Under Executive Order 12988
C. Review Under the Regulatory Flexibility Act
D. Review Under the Paperwork Reduction Act
E. Review Under the National Environmental Policy Act
F. Review Under Executive Order 12612

I. Background

This notice proposes to amend the Department of Energy Acquisition Regulation based on provisions in Sections 2051, 2151, and 2192 of the Federal Acquisition Streamlining Act of 1994 (the Act). These amendments establish: certification of cost submissions and assessment of penalties on unallowable costs; a remedy coordination official for payment requests suspected to be based on substantial evidence of fraud; parameters for resolution of questioned costs; guidance for application of cost principles; general prohibitions on severance payments to foreign nationals and compensation costs associated with a change in management control or ownership; clarification of employee morale, recreation, entertainment, executive branch lobbying, company furnished automobiles, and insurance costs which protect the contractor against defects in material or workmanship.

This rulemaking is intended to make only these specific changes. Additional rulemakings will address other aspects of the Act. On June 24, 1996, the Department of Energy published in the **Federal Register** (61 FR 32588) a notice of proposed rulemaking which also proposed changes to sections 970.3101–3, 970.5204–13, and 970.5204–14. Nothing in this proposed rulemaking conflicts with the proposed rulemaking of June 24, 1996.

II. Section by Section Analysis

1. The authority for Part 932 is restated.

2. Section 932.006–4, Procedures, is added which identifies the procedures the remedy coordination official within DOE shall follow.

3. The authority for Part 970 is restated.

4. Section 970.25 is added which provides the criteria under which the Head of the Contracting Activity (HCA) may waive the severance payment prohibitions at 970.3102–2(i)(2)(iv) and (v) and further directs the contracting officer to include a new solicitation provision 970.5204-XX addressing waiver of the restrictions which apply to foreign nationals' severance payments.

5. Section 970.3101–3 is amended by adding new paragraphs (b), (c), and (d). These new paragraphs establish requirements for the contracting officer to address the resolution of questioned costs; the documentation of questioned costs; and the attendance of the Department's auditor at negotiations, respectively.

6. Section 970.3101–7 is added to state the requirements for contractor certification of submissions for settlement of costs, penalties associated therewith, waiver provisions, and the prescribed contract clause.

7. Section 970.3102 is amended by designating the existing paragraph as (a) and adding a new paragraph (b) which provides guidance on applicability of the various cost principles.

8. Section 970.3102–2 is amended in paragraphs (i)(2) by adding a sentence at the end of the existing text to refer to new paragraphs (2)(iv) and (v); new paragraphs (2)(iv) and (v) are added which address severance payment for foreign nationals; new paragraph (vi) is added which refers the reader to 970.25 for the waiver criteria; and new paragraph (p) is added which makes unallowable those compensation costs associated with a change in management control or ownership.

9. Section 970.3102–5, Employee morale, health, welfare, food service, and dormitory costs, is amended in paragraph (a) to add wellness/fitness centers and delete the word ''recreation''; a new paragraph (b) is added which addresses the allowability of recreation costs; existing paragraphs (b), (c), (d), and (e) are relabeled as (c), (d), (e), and (f), respectively; and cross references are revised.

10. 970.3102–7, Legislative lobbying costs, is retitled as Political activity costs. The existing paragraph is rewritten and a paragraph has been added to also make unallowable the costs associated with executive branch lobbying.

11. 970.3102–17(b) is retitled as ''Government-owned, commercial rental, and company-furnished vehicles'' and a new paragraph (3) is added which reflects the addition of