

contaminants began at one to two and one-half feet below the ground surface and did not extend beyond six and one-half feet in depth. In addition, fifteen large storage tanks contained potentially hazardous materials. Continued deterioration of these abandoned tanks could have contributed to further contamination through leaks and spills. Contaminated refuse was present in the form of shipping and packing materials contaminated by product spills and small containers of unused products. These products were scattered through the buildings. Unauthorized entry on this Site could have resulted in human exposure to the potentially contaminated refuse.

Roy F. Weston, Inc., (Weston) began a feasibility study in August 1984 and completed it in March 1985. WESTON conducted a pilot study from February 3, 1985, through February 14, 1985, on a small area of the Triangle Chemical Company Site to demonstrate and evaluate the effectiveness of mechanical aeration for contaminant removal from the soils. Mechanical aeration was performed on three lifts of soil and was shown to be an effective method of reducing volatile compounds to background levels.

The Record of Decision (ROD) was signed by the EPA Regional Administrator on June 11, 1985, based on the administrative record for the Site including, but not limited to, findings from the remedial investigation, evaluations of the treatment alternatives reviewed during the feasibility study and the results of the pilot study for the Site. The ROD provides for offsite incineration and deep well injection of the contents of the storage tanks and drums, offsite landfill disposal for storage tank sludges, decontamination of all onsite structures, offsite landfill disposal of trash and debris and onsite mechanical aeration of the contaminated soils to remove volatile compounds to background levels. The ROD states EPA's conclusion that the decontamination of soil to background levels would effectively mitigate the potential for future ground water contamination. The ROD provides for monitoring to verify that the ground water is not impacted by the remedial construction.

TNRCC advertised for bids for the remedial action cleanup activities and opened the bids on August 15, 1986. The contract was awarded to ENSCO Environmental Services (ENSCO). After approval of its operations plan and other submittals, ENSCO was issued a notice to proceed on January 2, 1987. ENSCO mobilized for the cleanup activities on January 13, 1987. TNRCC's

engineer representative at the Site for inspection and project administrative services was WESTON.

ENSCO performed mechanical aeration by tilling the soils. In addition, contents of drums, tanks and containers were analyzed and classified to determine reactivity groups. The compatible liquids were transferred to larger tanks and transported offsite as documented in WESTON's June 1987 final report. ENSCO's activities also included the cleaning of the remaining buildings and the decontamination of the in-place tanks and process equipment by a triple rinse process.

The analytical results since 1988 show that concentration levels for indicator compounds in monitoring wells MW-6, MW-7 and MW-11 move within an established range and are dependant upon rainfall and tides. None of the six indicator compounds was detected in samples from monitoring wells MW-1, MW-3, MW-5 or MW-10 during operation and maintenance (O&M). There is no indication of horizontal or vertical migration of the contaminant plume at the Site. Wells MW-3 and MW-9, down gradient to MW-6 and adjacent to the nearby bayou, have not been affected. This lack of movement is due to low primary permeability of the aquifer and limited ground water flow velocity. Modeling was done at this Site in a supplemental ground water investigation in 1988. No evidence has yet been presented that would change the conclusion from that investigation that it would take over seventy years for a particle of hazardous substance to move 160 feet. During particle movement, a preponderance of the material would be attracted to the organic carbon in the organic clays and silts. Analytical results do not indicate an increase in concentrations of the six indicator compounds or other volatile organic compounds in ground water at the Site during past O&M. The slight variations in concentrations of contaminants among quarterly sampling events may be attributed to changes in water level elevations and movement during periods of above or below normal precipitation. Should aquifer conditions change during continued ground water monitoring, the Site can be reinstated as a Superfund site.

The shallow aquifer in the vicinity of the Site is brackish, odoriferous and not otherwise suitable as a potable water supply. The shallow aquifer was initially estimated to yield 1.2 gallons per minute; however, it is specifically noted in the reports of Weston and others involved in these sampling activities that all of the shallow monitoring wells at the Site were bailed

dry in attempting to achieve three well volumes prior to sampling.

The shallow aquifer at the Site is not currently used for drinking or other water usage, and is it not likely that it will be so used due to high total dissolved solids. This upper shallow aquifer is separated from the deeper fresh water aquifer by a thick clay layer which effectively prevents vertical migration of contamination and protects the lower drinking water aquifers. A pump test and other sampling conducted during the supplemental investigation and sampling to date confirm that there is no communication between upper and lower water-bearing zones.

Delisting requirements for the Site have been met. Specifically, confirmatory sampling has verified that the ROD cleanup objectives have been achieved. All cleanup actions specified in the ROD have been implemented. The remaining activity to be performed is continuing O&M which has been guaranteed by the State of Texas.

EPA and TNRCC have committed to monitoring wells MW-3, MW-6, MW-7, MW-9 and MW-11 for thirty years. If the plume moves away from MW-6, either north to MW-3 or MW-9, northeast to MW-11, or downward to MW-7, the Site can be reinstated as a Superfund site. Such reinstatement would not require application of the hazard ranking system. Based on the facts presented above, EPA proposes that the Site be delisted and removed from the National Priorities List.

EPA, with concurrence of the State of Texas, has determined that all appropriate Fund-financed response under CERCLA at the Triangle Chemical Company Superfund Site has been implemented to protect public health and the environment and that no further response action by responsible parties is appropriate.

Dated: October 9, 1996.

Jerry Clifford,

Deputy Regional Administrator, U.S.

Environmental Protection Agency, Region 6.

[FR Doc. 96-27830 Filed 10-30-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 12

[CGD 96-053]

User Fees for Marine Licensing, Certification of Registry and Merchant Mariner Documentation

AGENCY: Coast Guard, DOT.

ACTION: Notice of recalculation of program costs and reassessment of fees; request for comments.

SUMMARY: The Coast Guard has completed a recalculation of the costs associated with its marine licensing and merchant mariner documentation program and has reassessed the user fees published in 46 CFR Parts 10 and 12. These actions have been taken pursuant to a court order issued by the U.S. District Court for the District of Columbia. This notice announces the completion of, and seeks public comments on, the recalculation and sets out a summary of the results.

DATES: Comments must be received not later than December 30, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA) [CGD 96-053], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001 or may be delivered to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this notice. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Matthew Glomb, Office of Claims and Litigation (G-LCL), telephone (202) 267-1040.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to review and comment on the recalculation by submitting written data, views or arguments. Persons submitting

comments should include their names and addresses, identify this notice (CGD 96-053), the specific part of the recalculation to which each comment or question applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped self-addressed postcards or envelopes.

Background Information

On November 5, 1990, Congress passed the Omnibus Budget Reconciliation Act which amended 46 U.S.C. § 2110 to require establishment of user fees for certain services provided by the Coast Guard. As a result, the Coast Guard issued a final rule entitled "User Fees for Marine Licensing, Certification of Registry and Merchant Mariner Documentation" on March 19, 1993 (58 FR 15228). This rule established marine licensing and merchant mariner documentation user fees in 46 Parts 10 and 12. The final rule became effective on April 19, 1993.

On April 15, 1993, Seafarers International Union of North America, *et al.*, brought suit against the Coast Guard and sought to, among other things, enjoin it from collecting marine licensing and merchant mariner documentation user fees. In ruling on the case, on November 23, 1994, the U.S. District Court for the District of Columbia affirmed the Coast Guard's authority to establish and collect user fees and confirmed the methodology by which the Coast Guard established its fees. However, the Court ordered the Coast Guard to recalculate the costs associated with its marine licensing and merchant mariner documentation program, reassess the established fees, and subject the recalculations to public notice and comment. The Court also

ordered the Coast Guard to stop charging for FBI criminal history checks.

The Coast Guard conducted a time-motion study of work activity at Regional Examination Centers during the spring and summer of 1995. This study was undertaken in order to update the data contained in the 1989 Workload Study used during the original calculation of the fees. The study was the first step in the process of recalculating program costs. Since 1995, the Coast Guard has updated all data used in the original calculation of the marine licensing and merchant mariner documentation user fees, including Regional Examination Center transaction data and personnel and overhead costs. The Coast Guard updated its transaction activity data, verified supporting documentation, and recalculated its program costs. The data from the 1995 time-motion study was used during the recalculation of both the overall and per activity cost of the marine licensing and merchant mariner documentation program. The Coast Guard then reassessed its published fees by comparing them to the recalculated costs.

The recalculation of costs and the reassessment of user fees ordered by the Court were completed on September 25, 1996. The Coast Guard administratively reduced the amount to be collected for six services where published fees exceeded recalculated costs. These fees can only be permanently changed through the rulemaking process and the Coast Guard will initiate a rulemaking after the close of this comment period.

The published fees, recalculated costs, and the fee collection amounts affected by the Coast Guard's interim administrative action are summarized in Tables 1 and 2.

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TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY

CFR Section	Published Fee	Reduced Collections	Recalculated Program Costs
46 CFR 10.109...			
(a) For Licenses.			
(1) Upper Level:			
(i) For evaluation for an original license	\$ 87	\$ 70 ¹	\$119 ²
(ii) For evaluation for a license other than an original, including a raise in grade of a license	\$ 70	---	\$102
(iii) For administration of an examination, including allowable retests	\$150	\$110	\$110
(iv) For administration of a limited examination required under subpart D of this part, including allowable retests	\$ 55	\$ 45	\$ 45 ³
(v) For issuance of a license	\$ 35	---	\$ 62
(2) Lower level:			
(i) For evaluation for an original license	\$ 82	\$ 65 ¹	\$136 ⁴
(ii) For evaluation for a license other than an original, including a raise in grade in a license	\$ 65	---	\$119

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY—Continued

CFR Section	Published Fee	Reduced Collections	Recalculated Program Costs
46 CFR 10.109...			
(iii) For administration of an examination, including allowable retests	\$ 80	---	\$ 98
(iv) For administration of a limited examination required under subpart D of this part, including allowable retests	\$ 55	\$ 45	\$ 45 ³
(v) For issuance of a license	\$ 35	---	\$ 51
(3) Radio Officer:			
(i) For evaluation for an original license	\$ 62	\$ 45 ¹	\$ 128 ⁵
(ii) For evaluation for a license other than an original, including a raise in grade in a license	\$ 45	---	\$ 111
(iii) For issuance of a license	\$ 35	---	\$ 61
(b) For endorsements, except the radar observer endorsement, subsequent to the issuance of the license.			
(1) For evaluation for single or multiple endorsements	\$ 45	---	\$ 50

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY—Continued

CFR Section	Published Fee	Reduced Collections	Recalculated Program Costs
46 CFR 10.109....			
(2) For administration of examinations, including allowable retests	\$ 55	\$ 45	\$ 45
(3) For issuance of single or multiple endorsements to an existing license	\$ 35	---	\$ 46
(c) For renewal of a license.			
(1) For evaluation for renewal of a license	\$ 45	No Fee for Radio Officers only	\$ 50
(2) For administration of an open-book exercise if required under §10.209 of this part	\$ 55	\$ 45	\$ 45
(3) For issuance of a renewed license	\$ 35	---	\$ 46
(4) For issuance of a renewed license, without evaluation or examination, for continuity purposes only	\$ 35	---	\$ 46 ⁶
(d) For Certificates of Registry.			
(1) For Chief Purser, Purser, and Senior Assistant Purser:			
(i) For evaluation of an unlicensed applicant for a certificate of registry	\$ 62	\$ 45 ¹	\$123 ⁷

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY—Continued

CFR Section	Published Fee	Reduced Collections	Recalculated Program Costs
46 CFR 10.109...			
(ii) For evaluation of an applicant who holds a license or certificate of registry issued under this part	\$ 45	---	\$ 106
(iii) For issuance of a certificate of registry	\$ 35	---	\$ 179
(2) For Junior Assistant Purser, Medical Doctor, and Professional Nurse:			
(i) For evaluation of an unlicensed applicant for a certificate of registry	\$ 17	No Fee ¹	\$ 128 ⁸
(ii) For evaluation of an applicant who holds a license or certificate of registry issued under this part	No Fee	---	\$ 111
(iii) For issuance of a certificate of registry	\$ 35	---	\$ 61
(3) For renewal of a Certificate of Registry:			
(i) For evaluation for renewal of a certificate of registry	No Fee	---	\$ 50 ⁹
(ii) For issuance of a renewed certificate of registry	\$ 35	---	\$ 46 ⁶

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY—Continued

CFR Section	Published Fee	Reduced Collections	Recalculated Program Costs
46 CFR 10.109...			
(e) For reissue of a license or certificate of registry issued under this part where a fee is required in §10.219	\$ 35	---	\$106
(f) For endorsements to existing license, a raise in grade of a license, an additional license, or certificate of registry where further evaluations are not required	No Evaluation Fee	---	No Cost
(g) For endorsements to an existing license, a raise in grade of a license, or an additional license where further examinations are not required	No Examination Fee	---	No Cost

¹ Fee collected reduced by amount of charge for FBI criminal history check pursuant to court order dated November 23, 1994

² Program costs are equal to cost of evaluating an upper level license applicant for a license other than an original (\$102) plus the cost of an FBI criminal history check (\$17)

³ Program costs are the same as the costs associated with administering an open-book exercise for renewal of a license

⁴ Program costs are equal to cost of evaluating a lower level license applicant for a license other than an original (\$119) plus the cost of an FBI criminal history check

⁵ Program costs are equal to cost of evaluating a Radio Officer license applicant for a license other than an original (\$111) plus the cost of an FBI criminal history check (\$17)

TABLE 1—LICENSES AND CERTIFICATES OF REGISTRY—Continued

- ⁶ Program costs are the same as the costs associated with the issuance of a renewed license
- ⁷ Program costs are equal to the cost of evaluating a licensed Chief Purser, Purser or Senior Purser Certificate of Registry applicant (\$106) plus the cost of an FBI criminal history check (\$17)
- ⁸ Program costs are equal to the cost of evaluating a licensed Junior Assistant Purser, Medical Doctor or Professional Nurse Certificate of Registry applicant (\$111) plus the cost of an FBI criminal history check (\$17)
- ⁹ Program costs are the same as the costs associated with the evaluation of a license renewal applicant

TABLE 2—MERCHANT MARINER'S DOCUMENTS

CFR Section	Published Fee	Reduced Collections	Recalculated Program Costs
46 CFR 12.02-18(a) ... (1) For evaluation for an original document (does not apply if applicant holds a license or certificate of registry issued under part 10 of this chapter)	\$ 17	No Fee ¹	\$ 128 ³
(2) For evaluation for a merchant mariner's document endorsed with a qualified rating: (i) For an original merchant mariner's document	\$ 77	\$ 60 ¹	\$ 115 ⁴
(ii) For a merchant mariner's document other than an original	\$ 60	---	\$ 98
(iii) Where further evaluation is not required, such as when a merchant mariner's document is issued incident to a license transaction	No Fee	---	No Cost
(3) For administration of examination	\$ 40	---	\$ 144
(4) For issuance of a document	\$ 35	---	\$ 53

TABLE 2—MERCHANT MARINER'S DOCUMENTS—Continued

CFR Section	Published Fee	Reduced Collections	Recalculated Program Costs
46 CFR 12.02-18(a) ...			
(5) For duplicate of a merchant mariner's document issued in this part where a fee is required in §12.02-23	\$ 35	---	\$106
(6) For a duplicate continuous discharge book, record of sea service, or copies of certificates of discharge	\$ 10 ⁵	---	\$ 106
(7) For renewal of a merchant mariner's document:			
(i) For evaluation for renewal of a merchant mariner's document endorsed with a qualified rating	\$ 45	---	\$ 50
(ii) For evaluation for renewal of a merchant mariner's document when submitted with a license where a renewal evaluation fee already applies	No Fee	---	No Cost

TABLE 2--MERCHANT MERINER'S DOCUMENTS--Continued

CFR Section	Published Fee	Reduced Collections	Recalculated Program Costs
46 CFR 12.02-18(a) ...			
(iii) For evaluation for renewal of a merchant mariner's document without qualified rating endorsement	No Fee	---	No Cost
(iv) For administration of open-book exercises required by §12.02-27	\$ 40	---	\$ 45
(v) For administration of MMD open-book exercises when required in addition to license open-book exercises for concurrent renewal of these documents	Only the license exercise fee in 10.109(c)(2) will apply ²	\$ 45 ⁶	\$ 45 ⁷
(vi) For issuance of a renewal of a merchant mariner's document including those issued for continuity purposes only	\$ 35	---	\$ 46

¹ Fee collected reduced by amount of charge for FBI criminal history check pursuant to court order dated November 23, 1994

² Fee published in 46 CFR 10.109(c)(2) for administration of an open-book exercise for renewal of a license is equal to \$55

³ Program costs are equal to cost of evaluating an applicant for a merchant mariner's document without qualified rating endorsement (\$111) plus the cost of an FBI criminal history check (\$17)

⁴ Program costs are equal to the cost of evaluating an applicant for an original merchant mariner's document with qualified rating endorsement (\$98) plus the cost of an FBI criminal history check (\$17)

TABLE 2—MERCHANT MERINER'S DOCUMENTS—Continued

Payment of fee is not required if loss is caused by shipwreck or other casualty; other casualty includes damage to a ship caused by collision, explosion, tornado, wreck, flooding, grounding, beaching or fire (see §12.02-23)

⁶ Fee collected reduced to match amount collected for administration of an open-book exercise for renewal of a license (see Table 1)

⁷ Program costs are the same as the costs associated with the administration of an open-book exercise for renewal of a license

This notice complies with the order of the Court that the recalculation and reassessment be subject to notice and comment.

Dated: October 24, 1996.

J.C. Card,

Chief, Marine Safety and Environmental Protection.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[I.D. 012595A]

Endangered and Threatened Species; Notice of Six-Month Extension on the Final Determination on Whether to List the Oregon Coast and Southern Oregon/Northern California Coast Evolutionarily Significant Units (ESUs) of Coho Salmon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of extension of final determination.

SUMMARY: NMFS has determined that substantial scientific disagreement exists regarding the sufficiency and accuracy of data relevant to NMFS' proposed determination that two Evolutionarily Significant Units (ESUs) of coho salmon in Oregon and northern California warrant listing as threatened species. Consequently, NMFS extends the deadline for a final listing determination for the Oregon Coast and the Southern Oregon/Northern California Coast ESUs for 6 additional months to solicit, collect, and analyze additional information that will enable NMFS to make the final listing determination based on the best available data.

DATES: The new deadline for final action on the proposed listing of the Oregon Coast and the Southern Oregon/Northern California Coast ESUs of coho salmon is April 25, 1997.

ADDRESSES: Environmental and Technical Services Division, NMFS, Northwest Region, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, 503-231-2005, Craig Wingert, 310-980-4021, or Marta Nammack, 301-713-1401.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 1995, NMFS published a proposed rule to list three ESUs of naturally-reproducing coho salmon (*Oncorhynchus kisutch*) in Oregon and California as threatened under the Endangered Species Act of 1973 (ESA) (60 FR 38011). The ESUs proposed for listing occur in three coastal areas: (1) The Oregon coast from the Columbia River south to Cape Blanco in southern Oregon (Oregon Coast ESU), (2) the southern Oregon/northern California coasts from Cape Blanco to Punta Gorda in northern California (Southern Oregon/Northern California Coast ESU), and (3) the central California coast from Punta Gorda to the San Lorenzo River in Santa Cruz, including San Francisco Bay (Central California Coast ESU). During a coastwide status review, NMFS found substantial population declines in each of the three coho salmon ESUs proposed as threatened.

Within 1 year from the date of a proposed listing, section 4(b)(6) of the ESA requires NMFS to take one of three actions: (1) Make final the proposed listing; (2) withdraw the proposed listing; or (3) extend the 1-year period for not more than 6 months. On July 23, 1996, the U.S. District Court for the Northern District of California upheld NMFS' proposal of October 25, 1996, as the end of the 1-year work period allowed for making one of these determinations on the three ESUs of coastal coho salmon. This proposal took into consideration the 3-month funding moratorium in early 1996 on NMFS' listing actions. Therefore, by October 25, 1996, NMFS must take one of the three actions outlined above.

Section 4(b)(6)(B)(i) of the ESA authorizes NMFS to extend the deadline for a final listing determination for not more than 6 months for the purpose of soliciting additional data. NMFS' ESA implementing regulations condition such an extension on finding "substantial disagreement among scientists knowledgeable about the species concerned regarding the sufficiency or accuracy of the available data relevant to the determination" (50 CFR § 424.17(a)(1)(iv)). After considering comments and information received in response to the proposed rule, NMFS determines that substantial scientific disagreements exist regarding the sufficiency and accuracy of data relevant to final listing determinations for the Oregon Coast ESU and the Southern Oregon/Northern California Coast ESU. These scientific disagreements concern the data needed to determine the status of these species,

the threats to their continued existence, and the efficacy of recent local, state, and Federal conservation measures. Therefore, NMFS extends the final listing determination deadline for the Oregon Coast and Southern Oregon/Northern California Coast ESUs for 6 months to solicit, collect, and analyze additional data.

While NMFS concludes that a 6-month extension is warranted for the Oregon Coast and Southern Oregon/Northern California ESUs, NMFS believes that such an extension is not warranted for the Central California Coast Coho Salmon ESU. For NMFS' determination on the Central California Coast Coho Salmon ESU, see the Central California Coast Coho Salmon ESU listing notice in the Rules and Regulations section of this Federal Register.

Points of Substantial Scientific Disagreement

Comments received from peer reviewers, as well as knowledgeable scientists from state fish and wildlife agencies, tribes, and the private sector, dispute the sufficiency and accuracy of data employed by NMFS in its proposed listing of the Oregon Coast and Southern Oregon/Northern California Coast ESUs of coastal coho salmon. The primary areas of dispute concern data relevant to risk assessment and NMFS' evaluation of existing protective measures. The following section briefly discusses the types of data subject to substantial scientific disagreement.

Risk Assessment

Risk assessment involves the collection and analysis of data on the status of coastal coho and the threats presented by various human activities and natural occurrences. In its coastwide status review, NMFS assessed the status of coho salmon and identified the principal threats to coastal coho as habitat loss, adverse ocean conditions, hatchery practices, and harvest.

In the Oregon Coast and Southern Oregon/Northern California Coast ESUs, substantial scientific disagreement exists regarding the sufficiency of data used to assess the risks faced by coastal coho. For example, Oregon Department of Fish and Wildlife (ODFW) and a peer reviewer criticize NMFS' assessment of these ESUs for relying on insufficient data. These scientists argue that NMFS failed to consider the same types of data for Oregon and Washington coastal coho salmon. This difference, they argue, biased NMFS' risk analysis toward finding a relatively higher risk for Oregon ESUs. ODFW argues that the Olympic Peninsula ESU (located in Washington) faces the same risks as the