(1) Product codes and other non-regulatory language may not be used as a substitute for the specified PTD warning language specified in paragraph (a)(6) of this section for custody transfers of base gasoline to truck carriers, retail outlets, and wholesale purchaser-consumer facilities or for transfers of exempt base gasoline to be used for research, development, or test purposes.

* * * * *

3. Section 80.170 is amended by adding a new paragraph (f)(7) to read as follows:

§ 80.170 Volumetric additive reconciliation (VAR), equipment calibration, and recordkeeping requirements.

* * * * *

(f) * * *

(7) If a detergent blender uses an oxygenate -or PRC-restricted certified detergent to additize fuel, documentation must be maintained by that blender fully identifying the oxygenate and/or PRC (as applicable) content of the fuel into which the oxygenate or PRC-restricted detergent was blended, so as to confirm or to substantially confirm that the fuel into which the restricted detergent was blended complied with the use restriction. Documentation which may be used to fulfill this requirement includes, but is not limited to: PTD(s) from the fuel supplier identifying all the oxygenates or PRC (as appropriate) in the fuel; test results identifying all the oxygenates or PRC (as appropriate) in the fuel; written contract language between the supplier and the blender establishing the complete oxygenate and/or PRC (as appropriate) content of the supplied fuel.

* * * * *

4. Section 80.171 is amended as follows:

a. Paragraph (a)(5) is removed.

b. Paragraphs (a)(6) through (12) are redesignated as paragraphs (a)(5) through (a)(11).

c. Paragraph(b)(1) is revised to read as follows:

§ 80.171 Product Transfer Documents (PTDs)

* * * * *

(b) Use of product codes and other non-regulatory language.

(1) Product codes and other non-regulatory language may not be used as a substitute for the PTD warning language specified in paragraph (a)(6) of this section for custody transfers of base gasoline to truck carriers, retail outlets, and wholesale purchaser-consumer facilities, or for transfers of exempt base gasoline to be used for research, development, or test purposes.

* * * * *

[FR Doc. 97–29390 Filed 11–5–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5916–7]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete the Browning-Ferris Industries—South Brunswick Landfill Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces its intent to delete the Browning-Ferris Industries—South Brunswick Landfill Site (Site) from the National Priorities List (NPL) and requests public comment on this 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 of 1980 (CERCLA), as amended, 42 U.S.C 9601 *et seq.* EPA and the New Jersey Department of Environmental Protection (NJDEP) 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 December 8, 1997.

ADDRESSES: Comments may be mailed to: Mary Anne Rosa, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway-19th Floor, New York, NY 10007–1866.

The deletion docket and other comprehensive information on this Site is available for viewing at the Browning-Ferris Industries—South Brunswick Landfill Site information repository at the following location: Town of South Brunswick Municipal Building, P.O. Box 190, Monmouth Junction, New Jersey 08852, (908) 329–4000.

FOR FURTHER INFORMATION CONTACT: Mary Anne Rosa, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway—19th Floor, New York, New York 10007–1866, (212) 637–4407.

SUPPLEMENTARY INFORMATION:

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

I. Introduction

EPA Region II announces its intent to delete the Browning-Ferris Industries—South Brunswick Landfill Site, which is located in South Brunswick Township, Middlesex County, New Jersey, from the NPL, which constitutes Appendix B of the NCP, 40 CFR part 300, and requests comments on this deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this Site until December 8, 1997.

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

II. NPL Deletion Criteria

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

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

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

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

III. Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) EPA Region II issued a Record of Decision (ROD) which documented the remedial action activities; (2) all appropriate responses under CERCLA

have been implemented as documented in the Final Close-Out Report dated September 1997; (3) the NJDEP concurred with the proposed deletion; (4) 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 (5) all relevant documents have been made available for public review in the local Site information repository.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management of Superfund sites. As mentioned in section II of this document, § 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 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 summary provides the Agency's rationale for the proposal to delete this Site from the NPL.

A. Site Background

The Site is located along New Road, approximately one-half mile northwest of U.S. Route 1, in Middlesex County, New Jersey. The landfill occupies an area of approximately 68 acres. A significant portion of the land surrounding the Site is wooded. It is owned by Browning-Ferris Industries (BFI) of South Jersey. The Site, which operated for more than 20 years as a solid waste landfill, accepted municipal refuse, pesticides, chemical wastes and hazardous wastes.

B. History

In June 1980, EPA conducted an investigation of the Site. The sampling results revealed elevated levels of volatile organic compounds in several on-site monitoring wells, as well as on-site surface water sampling locations.

The data from this sampling effort resulted in the Site being proposed for the Superfund NPL on December 1, 1982, and the Site was included on the NPL on November 1, 1983.

In April 1982, BFI and EPA entered into an agreement concerning the remedial efforts to be performed. The agreement was in the form of a Resource Conservation and Recovery Act (RCRA) Administrative Order on Consent (Index No. RCRA–700320101) which outlined the remedial approach.

C. Characterization

The remedial action activities, initiated in February 1983, consisted of the construction of a leachate collection/treatment system, slurry wall, multi-layer cap and gas venting system. The remedial action was completed in September 1985. EPA issued a Record of Decision on September 30, 1987, which affirmed that the remedial action undertaken was consistent with CERCLA, as amended, and to the extent practicable, the NCP.

A public availability session was conducted by EPA in August 1987 to discuss with the community the remedial actions implemented and the post-remedial environmental monitoring program. Public comments were received and addressed in the Responsiveness Summary portion of the September 30, 1987, Record of Decision.

D. Monitoring

The May 1993 EPA-approved Post-Remedial Environmental Monitoring Program (PREMP) Work Plan was designed to assess the effectiveness of the completed Remedial Action and evaluate off-Site migration of contaminants. The PREMP was conducted from May 1993 to January 1994 and included the collection of twenty-seven groundwater samples, thirty-four soil samples, eight surface water samples and twelve sediment samples. Post-remedial environmental monitoring indicated that volatile organic compounds (VOCs), semi-VOCs, and inorganic contaminant concentrations have decreased in surface water, groundwater, sediment and soil samples. Therefore, the results from this investigation document the effectiveness of the remedy and indicate there is no significant off-Site migration of contaminants. Although minimal groundwater contamination was detected in the southeastern portion of the Site in the area of monitoring well R–10, regulating the leachate collection system to induce inward gradients appears to have significantly reduced contamination. As part of the overall Site Operation and Maintenance Plan activities, EPA has required BFI to periodically evaluate the effectiveness of the leachate collection system and routinely monitor well R–10 and downgradient surface water quality to ensure the effectiveness of the remedy. The multi-layered cap has effectively reduced infiltration, as indicated by the significant reduction in the amount of leachate generation over time. The leachate collection system and slurry wall have reduced leachate levels within the landfill, resulting in inward hydraulic gradients over much of the Site. Historically, leachate was pre-treated to reduce iron concentrations in the effluent. BFI has been notified by the Stony Brook Regional Sewerage Authority (SBRSA) of a change in BFI's license classification from a Class 1 to Restricted Industrial User. BFI is no longer required to treat for iron. BFI discharges directly to the sanitary sewer line while still monitoring monthly per the requirements of the license issued by the SBRSA. Also, the gas venting system is operating in accordance with the existing NJDEP Air Pollution Control Program permit and a series of perimeter gas monitoring probes are periodically monitored. Project Managers from EPA and BFI conducted a Site inspection on September 12, 1995. The purpose of this inspection was to determine the current status of the Site and the adequacy of the Site cleanup. The remedial action, completed since September 1985, remains in place and is operating and functioning as designed.

E. Operation and Maintenance

The cleanup of the Site was performed in compliance with ''clean closure'' requirements and consistent with the Resource Conservation and Recovery Act of 1976, as amended, CERCLA, as amended, and to the extent practicable, the NCP. Pursuant to the 1989 Administrative Order, BFI has committed to performing Operation and Maintenance (O&M) activities at the Site. In August 1997, EPA approved the Site O&M Plan, which defines the long-term O&M activities for the Site. The O&M Plan addresses those activities required for controlling the groundwater gradient in the area of monitoring well R–10, maintaining the effectiveness of the response action, and monitoring Site conditions to determine the occurrence of any environmental threat. O&M activities include periodic inspections and maintenance of waste containment measures, periodic air, groundwater and surface water monitoring, certain institutional controls, periodic leachate collection and treatment measures, or any other activities necessary to ensure

the continued protection of public health and the environment.

F. Protectiveness

All the completion requirements for this Site have been met as described in the Final Close-Out Report (COR) dated September 1997. The Final COR documents the effectiveness of the post-remedial environmental monitoring and that the remedy (slurry wall, multi-layered cap, leachate collection system, gas venting system and installation of a Site security fence) remains protective. Site O&M activities will be performed by BFI, with EPA oversight.

EPA and NJDEP have determined that all appropriate Fund-financed responses under CERCLA at the Site have been completed, and that no further construction activities by responsible parties is necessary except for operation and maintenance requirements. EPA will be providing oversight of all operation and maintenance activities. Consequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available in the docket.

Dated: September 29, 1997.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 97–29150 Filed 11–5–97; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

50 CFR Part 679

[Docket No. 971015247–7247–01; I.D. 091597D]

RIN 0648-AK19

Fisheries in the Exclusive Economic Zone Off Alaska; Modify IFQ Survivorship Transfer Provisions

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes a regulatory amendment to the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut and sablefish fisheries in and off of Alaska. This action would modify the survivorship transfer provisions to allow heirs of deceased quota share (QS) or IFQ holders to receive such QS or IFQ by transfer and to transfer the resulting IFQs to any person eligible to receive IFQ for up to 3 years following the date of a QS holder's death. This action is necessary to extend survivorship privileges to other heirs in addition to surviving spouses and to allow such heirs to obtain pecuniary benefit from such IFQ. The intended effect of this action is to provide temporary financial relief for the heirs of QS holders.

DATES: Comments on the proposed rule and Regulatory Impact Review (RIR) must be received December 8, 1997.

ADDRESSES: Comments must be sent to the Chief, Fisheries Management Division, Alaska Region, NMFS, Room 453, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: James Hale, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

The fixed gear halibut and sablefish fisheries are managed by the IFQ Program, a limited access system for fixed gear Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fisheries in and off of Alaska. Under authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act of 1982 (Halibut Act), NMFS implemented the IFQ Program in 1995, on the recommendation of the North Pacific Fishery Management Council (Council), to reduce excessive fishing capacity in the fixed gear Pacific halibut and sablefish fisheries, while maintaining the social and economic character of these fisheries and the Alaskan coastal communities where many of these fishermen are based.

Restrictions in the IFQ Program foster the transfer of QS among fishermen qualified to fish the annual allocations of IFQ that QS generate. These restrictions are intended to discourage excessive consolidation and the acquisition of QS by investment speculators. Persons who are not qualified to receive IFQ may receive QS by transfer, but such QS would be restricted from generating IFQ that may be used to harvest IFQ halibut or sablefish.

The Council's approved IFQ Program authorizes temporary exceptions to the transfer restrictions. In 1996, on the authority of the transfer provisions in the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery and the Fishery Management Plan for the Bering Sea/Aleutian Islands Groundfish, NMFS implemented an exception to the transfer restrictions that grants temporary transfer privileges to the spouse of a deceased QS holder who receives QS by right of survivorship, but is otherwise unqualified to harvest IFQ (61 FR 41523, August 9, 1996). The exception allows the surviving spouse who receives QS or IFQ, first, to transfer any of the current year's IFQ for the duration of the allocation year and, second, to lease the total annual allocations of IFQ resulting from the QS transferred by right of survivorship for 3 calendar years from the date of the death of the deceased holder of QS or IFQ (§ 679.41(k)(2)).

In October 1996, the IFQ Industry Implementation Team recommended a proposal to extend the survivorship transfer provisions to heirs in a deceased QS holder's immediate family, in addition to a surviving spouse. In June 1997, the Council took final action to extend the survivorship transfer provisions to any individual who receives QS by right of survivorship.

This action would benefit heirs who were not initially issued QS or who are not IFQ crew members. Without meeting those criteria, individuals who receive QS by right of survivorship would be otherwise ineligible to receive IFQ. The new provision would allow an individual who receives QS by right of survivorship to transfer, for up to 3 years, the total IFQ resulting from that QS to anyone eligible to receive IFQ and thereby obtain pecuniary benefit from the QS for that period. The Council determined that 3 years would provide an heir with adequate time to resolve permanently any issues that may arise due to receiving QS or IFQ by right of survivorship, including subsequent transfers. Upon the death of a QS or IFQ holder, the Regional Administrator, upon application for transfer, would transfer QS or IFQ to an individual who demonstrates a right of succession to such QS or IFQ, through intestate or testate succession. The Regional Administrator, upon application for transfer, would transfer, for up to 3 calendar years following the date of death of an individual QS holder, IFQ from an individual who received the originating QS through intestate or testate succession to any person eligible to receive IFQ.

This action would also correct an error in the survivorship transfer regulations that resulted from the consolidation of regulations governing the EEZ off Alaska in 61 FR 31228 (June 19, 1997). In the consolidation of the regulations, the reference to paragraph (g)(2) in § 679.41(k) should have been revised to read (h)(2). This action would make the necessary revision to correct the oversight.