approving WCDHD's general program for receiving delegation of unchanged NESHAPs. The direct final rule also explains the procedure for future delegation of NESHAPs to NDEP and WCDHD. EPA is taking direct final action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this document, no further activity is contemplated in relation to this proposed rule. If EPA receives relevant adverse comments, the direct final rule will not take effect and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

DATES: Comments on this proposed rule must be received in writing by June 26, 1998.

ADDRESSES: Written comments on this action should be addressed to: Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the submitted requests are available for public inspection at EPA's Region IX office during normal business hours (docket number A–96–25).

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1200.

SUPPLEMENTARY INFORMATION: This document concerns delegation of unchanged NESHAPs to the Nevada Division of Environmental Protection and the Washoe County District Health Department. For further information, please see the information provided in the direct final action which is located in the Rules section of this **Federal Register**.

Authority: This action is issued under the authority of section 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: May 4, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 98–13987 Filed 5–26–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6102–3]

National Oil and Hazardous Substances Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete the Novaco Industries Superfund site from the National Priorities List; request for comments.

SUMMARY: The United States Environmental Protection Agency (EPA) Region 5 announces its intent to delete the Novaco Industries Site 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 Michigan Department of Environmental Quality (MDEQ) have determined that the Site no longer poses a 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 June 26, 1998.

ADDRESSES: Comments may be mailed to: Russell D. Hart, U.S. EPA Region 5, Superfund Division, 77 West Jackson Boulevard, Mail Stop: SR–6J, Chicago, Illinois 60604. Comprehensive information on this Site is available through the administrative record which is available for viewing at the following locations:

U.S. EPA Records Center—Seventh Floor, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Bedford Township Hall and Monroe County Library—Bedford Branch, Bedford, Michigan.

FOR FURTHER INFORMATION CONTACT: Russell D. Hart, U.S. EPA Region 5, Superfund Division, SR–6J Chicago, Illinois 60604, (312) 886–4844.

SUPPLEMENTARY INFORMATION:

Table of Contents

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

I. Introduction

EPA Region 5 announces its intent to delete the Novaco Industries Site location in Temperance, Michigan from the NPL, 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 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.

EPA will accept comments on the proposal 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 the procedures that EPA is using for this action. Section IV discusses the Novaco Industries Site and explains 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. In the case of this Site, the selected remedy is protective of human health and the environment. The five year groundwater monitoring program required by the 1991 Record of Decision (ROD) Amendment has indicated that no hazardous substances or contaminants remain on site above

levels that allow for unlimited use or exposure. Therefore no five year review of this remedy is required. 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 the application of the Hazardous Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) EPA Region 5 issued a ROD in 1986 which called for groundwater extraction, on-site treatment of chromium contaminated groundwater, and discharge to Indian Creek; (2) EPA Region 5 amended the ROD in 1991 by requiring only additional monitoring well installation and a five year monitoring program to verify that no unacceptable levels of contaminants from the site remain in the groundwater; (3) based on the findings of that five year monitoring program the EPA Region 5 determined that no further response is appropriate for this site since during the monitoring program no exceedances occurred of either hexavalent chromium or total chromium drinking water Maximum Contaminant Limit (MCL) of 50 ug/l as established by the Safe Drinking Water Act; (4) MDEQ concurrence concerning Novaco Industries Site deletion was sought and obtained; (5) 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 (6) all relevant documents, including a tabulation summary of all 1993–1997 sampling results have been made available for public review in the local Site information repositories.

Deletion of the 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 document.

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 site summary provides the Agency's rational for the proposal to delete this Site from the NPL.

A. Site Background

The Novaco Industries site is located at 9411 Summerfield Road, at the intersection of Summerfield and Piehl in Temperance, Michigan. The site lies approximately 50 miles south of Detroit and 5 miles north of Toledo. The facility occupies a 2.6 acre parcel. The Novaco study area consists of Novaco Industries, the Veterans of Foreign Wars (VFW) Post #9656, and nearby residences having water supply wells screened within the sand/gravel aquifer or limestone aquifer which could be affected by the Novaco site.

B. History

The Novaco Industries site formerly performed tool and die manufacturing and repair. Approximately 85 residences and businesses are located within a half-mile of the site. Around 1979, a buried tank of chromic acid, used for plating purposes, developed a leak and an unknown quantity of acid leaked into the surrounding soils. By the early 1980s, chromium was detected at concentrations above both federal and state drinking water standards, in three water supply wells at Novaco Industries, the nearby VFW Post, and the Moyer's residence and one observation well. Novaco replaced the three water supply wells and extracted and treated contaminated groundwater in 1979. Following winter shutdown of the groundwater purge and treat system, Novaco never resumed its operation and declared bankruptcy.

The Novaco site was subsequently placed on the NPL in September 1983. While Novaco's short-term remedial operation did succeed in removing substantial amounts of contamination (approximately 400 pounds of hexavalent chromium), the remaining contamination continued to migrate. The Remedial Investigation (RI), performed by the EPA, identified a small area of contaminated groundwater with concentrations of chromium that exceeded relevant cleanup criteria. Based on these studies the EPA issued a Record of Decision (ROD) on June 27, 1986, which required the installation of a groundwater purge and on-site treatment system to remove the remaining contamination.

Design investigations conducted during spring 1988, determined that the previously defined nature and extent of groundwater contamination no longer held true at Novaco. Additional investigations were performed in the spring of 1989. Based on those studies, which indicated the concentrations of chromium contamination no longer exceeded relevant cleanup criteria, the EPA proposed to amend the existing ROD to a ''no action ROD'' with groundwater monitoring for five years and if the chromium concentrations remained below the cleanup criteria no further action would be warranted. The state concurred with this amended ROD. The EPA issued the amended ROD in September 1991. The groundwater monitoring network established during the RI was further developed and sampling for the five year program began in February 1993. During the first year samples were collected quarterly. Since the results of that sampling indicated all samples were below the detection limits stated in the quality assurance project plan the frequency of sampling was reduced to semi-annually. The five year program has been completed and indicated there are no chromium concentrations above relevant cleanup criteria. Therefore no further remedial action is needed.

EPA periodically sent summaries of analytical results to concerned residents.

EPA's ARCS contractor has completed the task of dismantling the groundwater monitoring network in accordance with procedures established by the Michigan Department of Environmental Quality. This work was accomplished in December 1997, and was in part overseen in the field by MDEQ representatives.

C. Characterization of Risk

Confirmational monitoring of groundwater conducted from 1993–1997 demonstrated that no significant risk to public health or the environment is posed by residual materials remaining at the Site. EPA and MDEQ believe that conditions at the site do not now pose unacceptable risks to human health or the environment.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if ''all appropriate response under CERCLA has been implemented, and no further action by responsible parties is appropriate.''

EPA, with the concurrence of MDEQ, believes that this criterion for deletion has been met. Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the docket.

Dated: May 14, 1998.

David Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 98–13853 Filed 5–26–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Stone Mountain Fairy Shrimp as Endangered and Designate Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 12-month finding for a petition to list the Stone Mountain fairy shrimp (*Branchinella lithaca*) under the Endangered Species Act, as amended. After review of all available scientific and commercial information, the Service finds that listing this species is not warranted. The Service will continue to monitor the status of this species and its habitat.

DATES: The finding announced in this document was made on May 11, 1998.

ADDRESSES: Questions, comments, or information concerning this petition should be sent to the U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Milio (904/232–2580, ext. 112) (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that, for any petition to list, delist, or reclassify a species that contains substantial scientific and commercial information, the Service make a finding within 12 months of receipt of the petition on whether the petitioned action is (a) not warranted; (b) warranted; or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority. Such 12-month findings are to be published promptly in the **Federal Register**.

The processing of this petition conforms with the Service's listing priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475), and extended on October 23, 1997, for fiscal year 1998 (62 FR 55268). Administrative findings for listing petitions that are not assigned to tier 1 (emergency listing actions) are processed as a tier 3 priority. The processing of this petition falls under tier 3. At this time, the Southeast Region has no pending tier 1 actions and has completed its pending tier 2 actions (resolving the status of outstanding proposed listings).

On March 31, 1995, the Service received a petition from Mr. Larry Winslett, President of the ''Friends of Georgia,'' Lithonia, Georgia. The petition, dated March 29, 1995, requested the Service to emergency list the Stone Mountain fairy shrimp, *Branchinella lithaca*, as endangered and designate critical habitat. The petitioner believed that previous and ongoing impacts to vernal (temporary) pool habitat at Stone Mountain, the shrimp's only known location, and potential physical and chemical effects from a then impending renovation project at the mountain's summit, threatened the survival of the species. The Service, in the 90-day finding, determined that the petition presented substantial information indicating that listing the species may be warranted. The finding concluded that an emergency listing action was not appropriate, and noted the Service would consider critical habitat designation if it found at 12 months that listing was warranted. A notice announcing the 90-day finding and initiation of a status review of the species was published in the **Federal Register** on July 22, 1997 (62 FR 39210).

The Service has reviewed the petition, the literature cited in the petition, other available literature and information, and consulted with species experts and other researchers familiar with vernal pool habitats. On the basis of the best scientific and commercial information available, the Service finds the petition is not warranted at this time. The status review documented habitat modifications such as disturbance of vernal pool sediments and physical debris entering pools at and near the mountain summit from recreational and construction activities, and facility operations. Solid wastes and liquid discharges may also directly impact the fairy shrimp. These modifications did not appear to occur at all pools or to an equal extent at affected pools. Due to this variability, lack of current and historic information on specific distribution and abundance of *B. lithaca*, and lack of historic data on the habitat, the Service is not able to confirm that these modifications, as well as other manmade or natural factors, threaten the continued existence of the Stone Mountain fairy shrimp.

The status review also did not reveal any threats to the species from disease or predation, or overutilization for commercial, recreational, scientific, or educational purposes. The Service does not believe that existing regulatory mechanisms are inadequate. Because of likely habitat overlap between the Stone Mountain fairy shrimp and two federally-listed plants, the black-spored quillwort (*Isoetes melanospora*) and little amphianthus (*Amphianthus pusillus*) at Stone Mountain, the Federal and State regulations that protect and conserve those plants and their vernal pools are also benefitting *B. lithaca*. In addition, special legislation passed in 1997 by the Georgia General Assembly promotes the continuation of protection and conservation for the designated natural district at State-owned Stone Mountain Park, as outlined in its current Master Plan (Alice Richards, Stone Mountain Memorial Association, *in litt.* 1998). Since Stone Mountain and its vernal pools all occur within the park's natural district, the Service believes that this legislation provides further protection for the Stone Mountain fairy shrimp and its habitat.

Casual surveys to locate *B. lithica* at Stone Mountain earlier this decade were unsuccessful. The last documented collection of the species was in 1951. At the 90-day finding the Service felt that a regular survey involving collection of water and sediment samples at various sites was needed to accurately determine the species' status. This survey was conducted in 1997 and also failed to find evidence of the species' continued existence at Stone Mountain, which may mean the species is extinct. Despite this latest failure (A. Richards, *in litt.* 1997, pers. comm. 1998, Denton Belk, The World Conservation Union, *in litt.* 1998), the erratic occurrence of some anostracans (Donald 1983) led Belk (*in litt.* 1998) to believe the species may still exist at Stone Mountain. There is also some potential that the species may exist at locations other than Stone Mountain (L. Winslett, Friends of Georgia, *in litt.* 1996). Within the Georgia Piedmont physiographic area there are other rock outcrops whose