private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Particulate matter.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 4, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 98–3325 Filed 2–6–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5963–4]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent for Partial Deletion of the Celanese Corporation (Hoechst Celanese) Shelby Fiber Operations Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces its intent to delete portions of the Celanese Corporation Shelby Fiber Operations Superfund Site located in Shelby (Cleveland County), North Carolina, from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B to 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). This partial deletion of the Celanese Corporation Shelby Fiber Operations site is proposed in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the NPL, published in the **Federal Register** on November 1, 1995 at (60 FR 55466).

This proposal for partial deletion pertains only to portions of Operable Unit (OU) 1—Outer Tier Extraction Well System, and Operable Unit (OU) 2—Former Source Area and Remediated Creeks. EPA bases its proposal to delete portions of OU–1 and OU–2 on the determination by EPA and the State of North Carolina Department of Environment, Health and Natural Resources (DEHNR) that all appropriate actions under CERCLA have been implemented to protect health, welfare, and the environment.

This partial deletion of OU–1 pertains only to the Outer Tier extraction well system and associated ground-water treatment system. This partial deletion does not include the remaining portions of OU–1 (i.e., the Inner Tier extraction and treatment system). The ground-water unit will remain on the NPL and treatment will continue until a determination by EPA and DEHNR, that all appropriate actions under CERCLA have been completed to protect human health, welfare and the environment relating to residual ground-water contamination at the site.

DATES: EPA will accept comments concerning its proposal for partial deletion for thirty days (30) after publication of this document in the **Federal Register** and a newspaper of record.

ADDRESSES: Comments may be mailed to: Mr. McKenzie Mallary, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, North Site Management Branch, 61 Forsyth Street, S.W., Atlanta, Georgia 30303–3014.

Comprehensive information on this Site is available through the EPA Region 4 public docket, which is located at EPA's Region 4 office and is available for viewing by appointment from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the regional public docket should be directed to the EPA Region 4 docket office.

The address for the regional docket office is Ms. Debbie Jourdan, U. S. Environmental Protection Agency, Federal Atlanta Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303–3014. The telephone number is (404) 562–8862.

Background information from the regional public docket is also available for viewing at the Site information repository located at the Cleveland County Library, 104 Howie Drive, Shelby, NC 28151. The telephone number is (704) 487–9069. The library is open Monday through Thursday from 9:00 a.m. to 9:00 p.m., on Friday from 9:00 a.m. until 5:00 p.m, and Saturday from 9:00 a.m. until 1:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. McKenzie Mallary, Remedial Project Manager, U. S. Environmental Protection Agency, Region 4, North Site Management Branch, 61 Forsyth Street, S.W., Atlanta, Georgia 30303–3014 (404) 562–8802; 1–800–435–9233.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The United States Environmental Protection Agency (EPA) Region 4 announces its intent to delete a portion of the Celanese Corporation Shelby Fiber Operations site (Site) from the NPL, Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR Part 300. It also serves to request public comments on the deletion proposal. EPA will accept comments on this proposed action for deletion for thirty days after publication of this document in the **Federal Register**.

EPA identifies sites that appear to present a significant risk to public health, welfare, or environment and maintains the NPL as the list of these sites. Sites on the NPL qualify for remedial responses financed by the Hazardous Substances Response Trust Fund (Fund). 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.

This proposal for partial deletion pertains only to OU–1 (Outer Tier), and OU–2 (Former Source Area and Remediated Creeks). Response activities to remediate residual groundwater contamination at the OU–1(Inner Tier) of this Site are not yet complete and this part of OU–1 will remain on the NPL and is not subject of this partial deletion.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with § 300.425(e) of the NCP, sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with the State, considers whether the site has met any of the following criteria for site deletion:

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

(ii) All appropriate response actions under CERCLA have been implemented

and no further response actions are deemed necessary; or

(iii) The remedial investigation has determined that the release poses no significant threat to public health or the environment and, therefore, no remedial action is appropriate.

III. Deletion Procedure

EPA Region 4 will accept and evaluate public comments before making a final decision to delete. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of portions of the Celanese Corporation Shelby Fiber Operations Site:

(1) EPA Region IV has recommended deletion and has prepared the relevant documents.

(2) The State has concurred with the decision to delete portions of the Celanese Corporation Shelby Fiber Operations site.

(3) Concurrent with this announcement, a notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials announcing the commencement of a 30-day public comment period on the Notice of Intent to Delete.

(4) EPA has made all relevant documents available for public review at the information repository and in the Regional Office.

Partial 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 information purposes and to assist EPA management. As mentioned earlier, § 300.425(e)(30) of the NCP states that deletion of a site from the NPL does not preclude eligibility of the site for future Fund-financed response actions.

For the partial deletion of this Site, EPA will accept and evaluate public comments on this Notice of Intent to Delete before finalizing the decision. The Agency will prepare a Responsiveness Summary to address any significant public comments received during the comment period. The deletion is finalized after the Regional Administrator places a Notice of Deletion in the **Federal Register**.

IV. Basis for Intended Partial Site Deletion

The following summary provides the Agency's rationale for deletion of OU–1 (Outer Tier) and OU–2 (Former Source Area and Remediated Creeks) of the Celanese Corporation Shelby Fiber Operations site from the NPL and EPA's finding that the criteria in 40 CFR 300.425(e) are satisfied.

A. Site Background

The Hoechst Celanese Shelby, North Carolina Fiber Operations plant is a polyester raw-material production facility. The site consists of a 450-acre piece of property which includes the main plant production area, wastewater treatment area, former waste disposal areas, and recreational areas. The plant is located in south-central Cleveland County, bordered by Highway 198 to the west and Lavender Road to the south, approximately one mile north of Earl and six miles south of Shelby.

Hoechst Celanese has been conducting environmental investigations at the Shelby facility since 1981. Remediation and clean-up activities based on these investigations have been on-going since 1988. Initially, work performed at the facility was conducted on a voluntary basis by Hoechst Celanese. The site was later proposed for listing on the NPL (National Priorities List) in October of 1984, and work conducted since that time has followed the formal RI/FS (remedial investigation/feasibility study) process under CERCLA. The site was formally placed on the NPL in June of 1986.

B. Response Actions Taken at the Celanese Fiber Operations Shelby Site

A Remedial Investigation of the Celanese Fiber Operations Shelby Site was completed in 1987 by Hoechst Celanese, the Potentially Responsible Party. Based on data collected during the Remedial Investigation, a risk assessment was conducted to identify contaminants of concern, potential exposure pathways, and potential human health risks resulting from exposure to contaminants found at the Celanese Fiber Operations Shelby Site. This risk assessment determined that the most significant potential human health risk was exposure to benzene, lead, trichloroethylene and chromium through consumption of ground water by residents living adjacent to the site.

Remedial activities conducted at the site have been broken into two operable units: Operable Unit 1 (OU–1), consisting of groundwater extraction, treatment, and hydraulic control; and, Operable Unit 2 (OU–2), consisting of removal and treatment of contaminated source areas and stream sediments. The site was broken into two operable units because of the time involved in conducting pilot studies for the former source area remediation. The intent in separating the site into two operable units was to begin immediately with groundwater recovery while the pilot studies for OU–2 were being conducted.

The ROD for OU–1 was issued on March 23, 1988. OU–1 construction activities began in October of 1988 and the extraction well system was placed in operation in August of 1989. An initial Five Year Review Report for OU–1 was prepared, and the final report was submitted to the EPA on August 8, 1994. OU–1 consists of two groundwater extraction and treatment systems identified as the Inner Tier and Outer Tier systems. The remedial action objectives for the OU–1 remedy were to control further migration of the contaminated groundwater toward the site perimeter and to remove contaminated ground water for subsequent treatment and discharge.

The OU–2 ROD was issued on March 28, 1989. OU–2 site development activities began in September of 1990 and remediation activities continued through August of 1992. An initial Five Year Review Report for OU–2 has been prepared, and the final report was submitted to the EPA in August of 1995.

The objectives of the OU–2 remediation were to remove, treat, and dispose of the most probable sources of groundwater contamination identified during the remedial investigation and additional site characterization studies. The identified source areas included buried wastes consisting of GRU (glycol recovery unit) sludges, residual burn pit materials, and plastic chips. Although not part of the identified source area, the OU–2 remedy also included the excavation and treatment of a lesser amount of contaminated stream sediments along segments of two adjacent, unnamed creeks.

The OU–2 remedy specified in the ROD did not require ''clean closure'' (i.e., complete removal of source material and residual contamination). Rather, the easily identified GRU sludges, burn pit residuals and plastic chip were excavated, along with obviously contaminated soils (based on visual observation), to a depth of at least 1 foot below the buried wastes. The specific intent of the OU–2 remedy was to remove and treat the major source of groundwater contamination and thereby enhance the effectiveness of the OU–1 remedy.

C. Areas to be Deleted

Significant clean-up progress has been made in all areas of the site, and deletion of selected parts of the site are intended to recognize the clean-up accomplishments to date and to designate portions of the site that do not warrant further action under the federal Superfund program. In order to convey to the public the successful clean up of portions of the Celanese Fiber

Operations Shelby Site, this petition is being made to delete the following operable units or portions of operable units at Shelby:

(1) Operable Unit 1 Outer Tier Extraction System.

(2) Operable Unit 2 Former Source Area and Remediated Creeks.

The petition to delist the Outer Tier portion of OU–1 is based on the following evaluation of current conditions:

(1) No detectable levels of organic constituents were reported as present in Outer Tier influent samples or in any off-site domestic supply wells during the 1996 sampling events. Based on the groundwater monitoring data, the Inner Tier extraction system is effectively capturing residual groundwater contamination around the former source area. Assuming Outer Tier pumping is discontinued, the improvement in water quality around the former source area should continue and may also be enhanced because the Outer Tier will no longer be ''pulling'' ground water away from the former source area.

(2) Discontinuing pumping from the Outer Tier will conserve a valuable groundwater resource and will allow the potentiometric surface along the property boundary to recover. Correspondingly, the hydraulic gradients between the Inner and Outer Tier areas will decrease, resulting in substantially longer travel times from the former source area toward the property boundary. The net effect will be to enhance the natural attenuation and bioremediation of any trace concentrations of constituents which may still remain in transit in the system.

(3) The Outer Tier was installed specifically to provide hydraulic control along the property boundary to eliminate a hypothetical exposure scenario postulated in the endangerment portion of the Feasibility Study. As part of a voluntary initiative by Hoechst Celanese during the 2nd half of 1995, all off-site, downgradient residents were provided with county water for potable purposes, domestic supply wells used for potable purposes have been plugged back, and the property owners have executed deed restrictions preventing future well drilling in the affected area. For all properties, the use of groundwater for drinking water purposes is prohibited. A toxicological assessment of current off-site conditions has indicated acceptable levels of risk, and that the Outer Tier extraction wells could safely be shut down.

The decision to request deletion of the OU–2 portion of the Hoechst Celanese Corporation Shelby site is based on the following observations and evaluation conducted during the Five Year Review which was completed in August of 1995:

(1) All work at OU–2 was completed in accordance with the 100% design report and EPA-approved amendments to the design which occurred during implementation.

(2) During the Five Year Review, no unusual or unsuspected operation and maintenance conditions were found, no areas of non-compliance were identified, and a biological assessment concluded that the remediated creeks were rejuvenating. The review concluded that the remedy was and continues to be protective of human health and the environment.

(3) Deleting the former source area is appropriate because all CERCLA response activities have been completed in those areas of OU–2 where soil contamination exceeded the clean-up goals.

The petition for partial deletion of OU–1 pertains only to the Outer Tier extraction well system and associated ground-water treatment system. This partial deletion does not include the remaining portions of OU–1 (i.e. The Inner Tier extraction and treatment system). The ground-water unit will remain on the NPL and treatment will continue until a determination by EPA and DEHNR, that all appropriate actions under CERCLA have been completed to protect human health, welfare and the environment related to residual groundwater contamination at the site.

Groundwater quality will be monitored quarterly to verify that response actions taken will prevent groundwater contaminants from reaching the property boundary at concentrations which exceed the Federal MCLs or North Carolina Groundwater Protection Standards. Should the monitoring indicate any potential problem with, or failure of, the remedy, the Outer Tier wells can be reactivated to once again provide hydraulic control along the property boundary.

A revised groundwater monitoring program was implemented at the Celanese Fiber Operations Shelby Site during the 1st Quarter of 1996. This program was proposed in the 1995 Annual Operating Status Report for Operable Unit 1, and was approved upon review by the EPA and DEHNR. Hoechst Celanese will continue to collect samples in accordance with the current sampling matrix and the approved Sampling & Analysis Plan. Monitoring data and operating status reports for the Inner Tier remediation will continue to be submitted semiannually in accordance with the currently approved reporting schedule.

D. Community Involvement

During the remedial activities at the Site, EPA kept the community informed of site activities primarily through fact sheets, public meetings, and newspaper articles. Public meetings were held by the EPA to present the RI/FS Work Plan (September 24, 1985), the results of the Remedial Investigation (July 21, 1987), the results of the OU–1 Feasibility Study (February 2, 1988), and the OU–2 Feasibility Study (February 16, 1989). Public comments received during the comment period were considered and addressed in the Responsiveness Summaries attached to each respective ROD.

E. Current Status

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if ''Responsible parties or other persons have implemented all appropriate response actions required.'' EPA, with concurrence of DEHNR, believes that this criterion for deletion has been met for the OU–1 Outer Tier and for OU–2. Groundwater quality will be monitored quarterly to verify that response actions taken will prevent groundwater contaminants from reaching off-site areas at concentrations which exceed the Federal MCLs or North Carolina Groundwater Protection Standards. Five-year reviews will be conducted by EPA to evaluate trends in ground-water quality until it has been determined that clean-up goals have been met for the groundwater around the former source area and that additional groundwater monitoring is not necessary.

While EPA does not believe that any future response actions at OU–1 Outer Tier or at OU–2 will be needed, if future conditions warrant such action, the proposed deletion areas of the Celanese Fiber Operations Shelby site remain eligible for future Fund-financed response actions. Furthermore, this partial deletion does not alter the status of the OU–1 Inner Tier extraction well system portion of the Site which is not proposed for deletion and will remain on the NPL.

EPA, with concurrence from the State of North Carolina DEHNR, has determined that all appropriate CERCLA response actions have been completed at OU–1 Outer Tier and OU–2 at the Hoechst Celanese Fiber Operations Shelby site and protection of human health and the environment has been achieved in this area. Therefore, EPA makes this proposal to delete OU–2 and only OU–1 Outer Tier of the Hoechst

Celanese Fiber Operations Shelby Superfund site from the NPL.

Dated: January 23, 1998.

A. Stanley Meiburg,

Deputy Regional Administrator, Environmental Protection Agency, Region 4.

[FR Doc. 98–3041 Filed 2–6–98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 020298A]

RIN–0648–AF41

Fisheries of the Northeastern United States; Amendment 10 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 10 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) for Secretarial review and is requesting comments from the public. Amendment 10 would provide management measures for the fishery for small ocean quahogs (mahogany quahogs) that occurs off the coast of Maine, north of 43°50' N. latitude.

DATES: Comments must be received on or before April 10, 1998.

ADDRESSES: Send comments to Dr. Andrew Rosenberg, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope ''Comments on Amendment 10 to the Surf Clam and Ocean Quahog Plan.''

Copies of Amendment 10 including the environmental assessment and regulatory impact review are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 508–281–9104.

SUPPLEMENTARY INFORMATION: Amendment 10 proposes to (1) establish a Maine mahogany quahog management zone north of 43° 50' north latitude (zone), (2) establish a Maine mahogany quahog moratorium permit, (3) establish an initial annual quota of 100,000 Maine bushels (35,150 hectoliters (hL)), (4) establish a Maine Mahogany Quahog Advisory Panel to make management recommendations to the Council, (5) allow for the revision of the annual quota within a range of 17,000 and 100,000 Maine bushels (5,975 and 35,150 hL), (6) require vessels harvesting ocean quahogs from the zone to fish only in areas that have been certified by the State of Maine to be within Interstate Shellfish Sanitation Conference limits for the toxin responsible for paralytic shellfish poisoning (PSP), (7) require vessels fishing under a Maine mahogany quahog permit to land ocean quahogs in Maine, (8) require vessels fishing in the zone under an individual transferrable quota and landing their catch outside of Maine to land at a facility that utilizes safety-based procedures including sampling and analyzing for PSP toxin consistent with those safety-based procedures used by the State of Maine for such purpose and, (9) give the Regional Administrator the authority to suspend the existing vessel notification requirement for vessels possessing a Maine mahogany quahog permit and fishing in the zone, if he determines it is not necessary for enforcement.

The transmit date for Amendment 10 is February 2, 1998. A proposed rule that would implement the amendment may be published in the **Federal Register** within 15 days of the transmit date, following an evaluation by NMFS under the procedures of the Magnuson-Stevens Fisheries Conservation and Management Act. Public comments on the proposed rule must be received by the end of the comment period on Amendment 10, which is April 10, 1998 in order to be considered in the decision concerning approval or disapproval of the amendment.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 3, 1998.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–3103 Filed 2–6–98; 8:45 am]

BILLING CODE 3510–22–F