original closing date of June 28, 1999 to July 28, 1999.

ADDRESSES: Comments on the proposed rule should be mailed or submitted to: Environmental Protection Agency, Air Docket (6102), Attn: Docket No. A–99–18, Waterside Mall, 401 M St. SW, Washington, DC 20460. Comments must be submitted in duplicate. Comments may be submitted on disk in WordPerfect or Word formats.

FOR FURTHER INFORMATION CONTACT: James Belke, Chemical Engineer, Chemical Emergency Preparedness and Prevention Office, Environmental Protection Agency, 401 M St. SW (5104), Washington, DC 20460, (202) 260–7314.

Dated: June 18, 1999.

Jim Makris,

Director, Chemical Emergency Preparedness and Prevention Office.

[FR Doc. 99–16236 Filed 6–24–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[FRL–6364–1]

Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to codify in part 272 of Title 40 of the Code of Federal Regulations (CFR) Idaho's authorized hazardous waste program. EPA will incorporate by reference into the CFR those provisions of the State statutes and regulations that are authorized and federally enforceable. In the ''Rules and Regulations'' section of this **Federal Register**, the EPA is codifying and incorporating by reference the State's hazardous waste program as an immediate final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. The Agency has explained the reasons for this codification and incorporation by reference in the preamble to the immediate final rule. If EPA does not receive adverse written comments, the immediate final rule will become effective and the Agency will not take further action on this proposal. If EPA receives adverse written comments, EPA will withdraw the immediate final rule and it will not take effect. EPA will then address public comments in a later final rule based on this proposal. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action must do so at this time.

DATES: Written comments must be received on or before July 26, 1999.

ADDRESSES: Mail written comments to Jeff Hunt, U.S. EPA, Region 10, 1200 Sixth Avenue, Mail stop WCM–122, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, U.S. EPA, Region 10, 1200 Sixth Avenue, Mail stop WCM–122, Seattle, WA 98101, phone number (206) 553–0256.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: June 9, 1999.

Chuck Findley,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 10.

[FR Doc. 99–16089 Filed 6–24–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6365–6]

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

ACTION: Notice of intent to delete the Munisport Landfill Superfund Site from the National Priorities List (NPL); request for comments.

SUMMARY: EPA, Region IV, announces its intent to delete the Munisport Landfill Superfund (Site) in North Miami, Dade County, Florida, from the NPL and requests public comment on this action. The NPL constitutes Appendix B, 40 CFR Part 300; the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) promulgated by the United States Environmental Protection Agency (EPA) pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. EPA and the Florida Department of Environmental Protection (FDEP) have determined that all appropriate response actions under CERCLA have been implemented by the Potentially Responsible Party, the City of North Miami, and that no further response actions under CERCLA are needed. Moreover, EPA and the FDEP have determined that the remedial actions conducted at the Site to date are protective of human health and the environment, such that further federal response under CERCLA is not warranted.

DATES: Comments on the proposed deletion from the NPL should be submitted on or before July 26, 1999.

ADDRESSES: Comments may be mailed to: Kevin S. Misenheimer, Remedial Project Manager, South Site Management Branch, Waste Management Division, U.S. Environmental Protection Agency, Region IV, 61 Forsyth St., SW, Atlanta, Georgia 30303.

Comprehensive information on this Site is available through the EPA, Region IV, public docket located at the regional office. The deletion docket 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 EPA regional office should be directed to Debbie Jourdan, EPA, Region IV, docket office at 61 Forsyth St, SW, Atlanta, Georgia 30303. Ms. Jourdan may also be contacted by telephone at (404) 562–8862.

The Deletion Docket and background information from the regional public docket is also available for viewing at the Site information repository located at Florida International University, North Campus Library, 3000 NE 145th St, North Miami, FL 33181–3601. Appointments can be scheduled to review the documents locally by contacting the library at (305) 919–5726.

FOR FURTHER INFORMATION CONTACT: Kevin S. Misenheimer, Remedial Project Manager, EPA, Region IV, 61 Forsyth St. SW, Atlanta, Georgia 30303, (404) 562–8922.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

EPA, Region IV, announces its intent to delete the Munisport Landfill Superfund Site from the NPL (Appendix B of the NCP), and requests public comment on this proposed action. EPA identifies sites that pose a significant threat to public health, welfare, or the environment and maintains an inventory of these sites through the NPL. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to 40 CFR 300.66(c) (8), any site deleted

from the NPL remains eligible for Fund-financed remedial actions if new or changing conditions warrant such actions.

In view of EPA's findings from the Remedial Investigation (RI) and Baseline Risk Assessment, and based on the results from the 1996 reassessment of the Preserve, there is nothing that would prevent unlimited use and unrestricted exposure at the site pursuant to CERCLA. Therefore, no five-year review of the site is needed. EPA believes data used to make this determination is consistent with, and in some cases exceeds, the database used to develop the original Record of Decision (ROD). EPA will accept comments concerning the proposed deletion of this site from the NPL until July 26, 1999.

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

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), releases may be deleted from the NPL where no further response is appropriate. In making this determination, EPA shall consider, in consultation with the State, whether any of the following criteria are met:

- Responsible or other parties have implemented all appropriate actions required; or
- All appropriate Fund-financed responses under CERCLA have been implemented, and no further cleanup by responsible parties is appropriate, or
- The remedial investigation has shown that the release poses no significant threat to public health, welfare, or the environment, and therefore, the taking of additional remedial measures is not appropriate.

III. Deletion Procedures

EPA, Region IV, will accept and evaluate public comments before making a final decision to delete this Site from the NPL. Comments from the local community may be the most pertinent to the deletion decision. The following procedures were used for the intended deletion of this Site:

- All appropriate response under CERCLA has been implemented and no further action by EPA is appropriate.
- EPA, Region IV, has recommended deletion and has prepared the relevant documents.
- The State has concurred with the proposed deletion decision.
- Concurrent with this National Notice of Intent to Delete, a notice has been published in local newspapers 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.
- The Region has made all relevant documents available in the Regional Office and local site information repository.

Deletion of a site from the NPL does not itself, create, alter, or revoke an individual's rights or obligations. The NPL is designed primarily for information purposes and to assist Agency management. As mentioned in Section II of this document, 40 CFR 300.425(e)(3) provides that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions nor does it preclude future State action pursuant to State law.

The comments received on EPA's Notice of Intent to Delete during the notice and comment period will be evaluated by EPA before making the final decision to delete. The Region will prepare a Responsiveness Summary, if necessary, to address any comments received during the public comment period.

A deletion occurs when the EPA Regional Administrator publishes a final document in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following this Notice of Intent. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region IV.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the proposal to delete this site from the NPL.

The Munisport Landfill is the location of a former municipal landfill that operated from 1974 to 1981. The landfill resulted from the filling of low-lying wetland areas with construction debris and solid waste in an effort to raise the elevation of the land for the construction of a cultural and trade center known as Interama. Failure of the Interama project led to subsequent municipal development efforts by Munisport, Inc. The United States Environmental Protection Agency (EPA) first became involved with this project in the late 1970's when it opposed the Army Corps of Engineers' plans for a modification of the developer's dredge and fill permit to allow for the use of solid waste as fill material, in addition to the already permitted construction debris. Due to the potential for the release of hazardous substances, pollutants, or contaminants to the environment, EPA placed the Site on the National Priorities List (NPL) in 1983 for cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

EPA's thorough investigation of the site during the late 1980's led EPA to the conclusion that, although the Site did not pose a threat to human health, the migration of landfill-leachate to the underlying groundwater and adjacent wetland posed a significant threat to the environment. This was due to the fact that the leachate-contaminated groundwater contained elevated levels of un-ionized ammonia which is highly toxic to aquatic organisms. Although other chemicals were detected in the leachate, concentrations of these chemicals were below levels that would present a threat to the environment. In an effort to abate the threat posed by the ammonia-contaminated leachate, EPA issued a Record of Decision (ROD) for the Munisport Landfill Superfund Site in July 1990. The ROD provided for the interception of leachate-contaminated groundwater through a hydraulic barrier prior to its discharge to the adjacent wetlands. The remedy also provided for the tidal restoration of a portion of wetlands that are a part of the Biscayne Bay Aquatic Preserve (i.e., State Mangrove Preserve) and a portion of wetlands that were hydrologically altered by the former construction of a dike during the landfill operations (i.e., altered wetlands). The City of North Miami subsequently entered into a Consent Decree with the United States of America in 1991 to perform the cleanup prescribed in the ROD. The Superfund Site was defined in the ROD as the release of hazardous substances from the landfill into the Mangrove Preserve and that portion of the landfill needed to implement the CERCLA remedy.

Through the mid-1990s, the City completed the tidal restoration of the State Mangrove Preserve, construction of a service road, and installation of the wells for the hydraulic barrier. Removal of two 40-foot wide sections of the causeway and 60-inch culverts originally installed in the late-1960's was completed in 1995, thus restoring the tidal flow from Biscayne Bay with the State Mangrove Preserve. Monitoring of the surface water quality in Biscayne Bay and the Preserve was conducted both before and after the removal of the two sections of the causeway. Results of the water sampling conducted as part of the surface water

monitoring indicated that the tidal restoration of the Mangrove Preserve had a greater affect on the mitigation of the toxicity of the landfill leachate to aquatic organisms in the preserve than originally anticipated.

Reassessment of water quality and toxicity in the Mangrove Preserve showed that there has been a significant reduction in the ammonia contamination and toxicity formerly documented by EPA in the *Water Quality and Toxic Assessment Study, Mangrove Preserve, 1989,* report. The scope of the reassessment incorporated critical elements of the 1989 study and was refined based on information collected during the remedial design studies and treatability studies. Most importantly, EPA concluded that these studies established the cause of the toxicity documented in the 1989 study. Concerns had been expressed by EPA, other agencies, and members of the community that not all of the toxicity documented in 1989 may have been the result of elevated levels of ammonia and that some of the toxicity may be associated with elevated levels of metals, organic compounds, or other toxicants. However, EPA has concluded that data collected during the design and treatability study show that the toxicity documented in the 1989 studies was the result of elevated levels of ammonia, potentially compounded by low levels of dissolved oxygen in the water.

The 1996 reassessment included screening of 12 sampling locations, which were monitored in the 1989 study, for the presence of ammonia and other water quality parameters. Four samples were collected from the Preserve that represented a range of high to low ammonia concentrations. Samples were also collected from the confluence of the east and west causeway breaches in Biscayne Bay and three reference points in Biscayne Bay. Samples were collected from these stations during high and low tides. The samples were analyzed for ammonia, organic compounds, metals, pesticides, and polychlorinated biphenyls. Toxicity tests were also conducted using a coastal minnow, *Menidia beryllina,* and a single cell species of algae, *Minutocellus polymorphus.* Changes in the hydrology of the Mangrove Preserve were also evaluated. Results from the 1996 reassessment confirmed that implementation of the Mangrove Preserve tidal restoration component of the remedy substantially reduced the ammonia concentrations and toxicity formerly documented in the surface waters of the Preserve. Due to concerns that the ammonia levels and toxicity may have been masked by summer rainfall, EPA resampled the Preserve locations on March 6, 1997, during an extended dry period. The samples were analyzed for ammonia and were consistent with the data collected in August 1996.

EPA believes that results from the August 1996 and March 1997 studies confirm that indeed there has been a significant reduction in the ammonia levels and toxicity originally documented in the 1989 study, such that no further action under Superfund is warranted. A copy of the *Water Quality and Toxicity Reassessment Study, Mangrove Preserve, Munisport Landfill, April 1997,* report, which provides a detailed discussion of the results, is available for review in the Deletion Docket for this site.

As a result of this determination, a no further action amendment to the ROD under CERCLA was signed September 5, 1997. Therefore, cleanup of the site under CERCLA is now complete. Issuance of the ROD Amendment serves as certification of completion of all remedial activities at the Munisport Landfill Site, as well as, a final Site Close-Out Report. No institutional controls, long-term groundwater monitoring, or Five-Year Reviews, are required under CERCLA, because no hazardous substances remain at the Site as defined in the ROD that would result in unlimited use and restricted exposures.

Community Involvement

The Munisport Landfill Superfund project has involved extensive community participation dating back to the early 1980's. Over the years various community-based organizations such as homeowner associations and activist groups, as well as, local chapters of national environmental organizations have commented on various aspects of the project. Sections 5.0 and 3.0 of the ROD and ROD Amendment, respectively, describe the extensive community involvement that has occurred over the years.

After the issuance of the ROD, EPA continued to involve the community in the remedial process. The community's main group is the Munisport Dump Coalition (MDC), the recipient of a Technical Assistance Grant (TAG) from EPA. Through the MDC, the community has had an opportunity to comment on documents required by the National Contingency Plan (NCP), and other documents relating to the design and construction of components of the remedy set forth in the ROD. In an effort to encourage community participation throughout the process, EPA has issued several deviations from the original $50,000 grant, bringing the total funding for the TAG to $150,000.

In addition to the coordination with the MDC, EPA has also worked with representatives of local groups such as the Friends of the Oleta River, Keystone Point Homeowners Association, Highland Village Homeowners Association, Florida and Tropical Audubon Societies, and Concerned Citizens for the Public Use of Munisport. EPA has also held numerous public and technical meetings and issued numerous fact sheets to keep the community apprized of the progress and to solicit input during the design and construction process.

The community has also been involved in this project through the Consent Decree entered by the United States District Court in 1992. Although the only parties to the Consent Decree are the United States of America and the City of North Miami, the District Court has allowed interested non-parties in the community to file information and express concerns with regard to the implementation of the remedy set forth in the ROD.

Applicable Deletion Criteria

One of the three criteria for site deletion, 40 CFR 300.425(e)(l)(ii), specifies that EPA may delete a site from the NPL if ''all appropriate Fund-Financed Response under CERCLA has been implemented, and no further response action by responsible parties is appropriate''. EPA, with the concurrence of FDEP, believes that this criterion for deletion has been met and the site is protective of human health and the environment. Subsequently, EPA is proposing the deletion of this site from the NPL. Documents supporting this action are available for review in the docket.

State Concurrence

The Florida Department of Environmental Protection concurs with the proposed deletion of the Munisport Landfill Superfund Site from the NPL. Although EPA issued an amendment to the ROD in September 1997 that provided for no further action under CERCLA, proper closure of the landfill and response to groundwater contamination is warranted in accordance with State and local regulations. EPA continues to encourage the State and County in this effort. Reports that contain extensive Site characterization information are available for review, along with the ROD and ROD Amendment, in the Administrative Record for this Site and are located with the deletion docket.

Dated: May 26, 1999.

John H. Hankinson, Jr.,

Regional Administrator, Region IV.

[FR Doc. 99–15976 Filed 6–24–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Parts 515, 520, 530 and 535

[Docket No. 99–10]

Ocean Common Carriers Subject to the Shipping Act of 1984

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Maritime Commission proposes to amend its regulations implementing the Shipping Act of 1984 to clarify the definition of ''ocean common carrier'' to reflect the Commission's current interpretation of the term. As a result, only ocean common carriers that operate vessels in at least one United States trade will be subject to these rules.

DATES: Comments due August 24, 1999.

ADDRESSES: Send comments (original and fifteen copies) to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1046, Washington, DC 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1018, Washington, DC 20573, (202) 523–5740.

SUPPLEMENTARY INFORMATION: In one of its several rulemaking proceedings to implement the Ocean Shipping Reform Act of 1998, Pub. L. 105–258, 112 Stat. 1902 (''OSRA''), the Federal Maritime Commission (''FMC'' or ''Commission'') proposed to amend its regulations governing agreements among ocean common carriers and marine terminal operators. Docket No. 98–26, *Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984*, 64 FR 11236, March 8, 1999. One of the proposed changes was a new definition of ''ocean common carrier'' to address perceived deficiencies in the definition of that term contained in section 3(16) of the Shipping Act of 1984 (''1984 Act''), 46 U.S.C. app. § 1702(16), (''a vessel-operating common carrier''), and to clarify the dividing line between ocean common carriers and non-vessel-operating common carriers (''NVOCCs''). The proposed rule sated that:

> *Ocean common carrier* means a common carrier that operates, for all or part of its common carrier service, a vessel on the high seas or the Great Lakes between a port in the United States and a port in a foreign country, except that the term does not include a common carrier engaged in ocean transportation by ferry boat, ocean tramp, or chemical parcel-tanker.

The Commission received comments on this particular aspect of the proposed rule from Croatia Line and the Council of European & Japanese National Shipowners Association (''CENSA''). While generally supporting the Commission's proposed definition, CENSA suggested that it be further clarified to include a carrier that provides part of a vessel service in a U.S. trade. In addition, Croatia Line claimed that the Commission failed to disclose the facts necessitating such a change, and failed to discuss the effects of the changes on regulated parties. Croatia Line also argued that the proposed definition would adversely affect it, since it is party to two space charter agreements and does not operate vessels making direct calls at U.S. ports. It further argued that the proposal was contrary to the clear language of the 1984 Act and well-established precedent. Croatia Line suggested that changes not required by OSRA should not be subject to such a short comment period.

In light of these comments, and the absence of additional comments from other potentially affected parties, the Commission decided to provide an additional opportunity to comment, 64 FR 11236, March 8, 1999. Accordingly, the Commission is initiating this rulemaking proceeding to further consider the definition of ''ocean common carrier.'' In addition, because the definition of ocean common carrier appears not only in the agreement rules but also in the rules governing ocean transportation intermediaries (part 515), tariffs (part 520), and service contracts (part 530), the Commission is proposing to adopt a definition that is consistent for all rules.

As explained in the preamble to the proposed rule in Docket No. 98–26, the amended definition of ''ocean common carrier'' is proposed to resolve uncertainty generated by the 1984 Act's definition, which is simply ''a vessel-operating common carrier.'' At issue is how to distinguish between ocean common carriers and NVOCCs. The distinction, which was first codified in 1984, has significant implications, inasmuch as the 1984 Act affords ocean carriers, but not NVOCCs, antitrust immunity and other rights and responsibilities, including the ability to offer service contracts. The need for clarity in this area is continued by OSRA, which continues to differentiate between vessel-operating and non-vessel-operating lines with regard to service contracting and other areas.

At first glance, it is difficult to see the ambiguity in the phrase ''vessel-operating.'' However, the Commission's staff has encountered a number of complex situations regarding where and when vessels are operated, and what types of vessels are involved. In this regard, various bureaus have taken the position that an ''ocean common carrier'' is a common carrier that, in providing a common carrier service, operates a vessel calling at a U.S. port. Moreover, if a carrier is an ocean common carrier in one U.S. trade, it has been reasoned, it is an ocean common carrier for all U.S. trades. For example, if a carrier operates vessels from the U.S. East Coast to northern Europe, it has the legal ''status'' of ocean common carrier to enter into space charter agreements for any U.S.-foreign trade.

The proposed definition codifies this approach. It would continue the practice of determining status on a multi-trade basis (*i.e.*, an ocean common carrier in one U.S. trade has that status in all U.S. trades). Any interpretation of the statute requiring status determinations to be made on a trade-by-trade basis would be administratively impractical and might prompt less than efficient redeployment of vessels in the U.S. trades solely to meet regulatory requirements.

The proposed definition would also clarify the issue of whether companies that operate vessels only outside the U.S.—*i.e.*, they have no vessel operations to U.S. ports—can be deemed ''ocean common carriers.'' It appears from the legislative intent of the 1984 Act that Congress viewed vessel operators as those whose vessels call at U.S. ports and classified all other common carriers in U.S. commerce as non-vessel-operating common carriers. For example, in its report on the 1984 Act, the Senate Commerce, Science, and Transportation Committee observed:

> The Committee strongly believes that it is in our national interest to permit cooperation among carriers serving our foreign trades to permit efficient and reliable service. * * * Our carriers need; a stable, predictable, and profitable trade with a rate of return that warrants reinvestment and a commitment to serve the trade; greater security in investment * * *.

S. Rep. No. 3, 98th Cong., 1st Sess. 9 (1983). We do not believe that Congress intended to provide special privileges or protections to carriers that have not made the financial commitment to providing vessel service to the United States.