

regulatory and nonregulatory measures that may follow from this notice.

Pertinent Questions

In view of the discussion above, please respond to the following questions:

(1) Should the Coast Guard require third party certification, similar to that required for commercial vessel navigation lights, so that boat builders, boat owners, marine surveyors and officials conducting law enforcement boarding would have a means for determining whether navigation lights sold for use or installed on recreational boats complied with applicable requirements in the Navigation Rules?

(2) What are the expected costs and benefits of regulations requiring manufacturers and importers of navigation lights used on recreational boats to construct and label their lights in accordance with a recognized industry standard?

(3) Is it appropriate for the Coast Guard to impose a third party certification requirement for navigation lights sold for installation on recreational boats?

Dated: October 1, 1997.

Ernest R. Riutta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 97-26697 Filed 10-8-97; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[CA-003-BU; FRL-5907-8]

Clean Air Act Reclassification; California-Santa Barbara Nonattainment Area; Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of the public comment period.

SUMMARY: On September 2, 1997, EPA published a proposed rule (62 FR 46234) proposing to determine that the Santa Barbara moderate ozone nonattainment area has not attained the 1-hour ozone national ambient air quality standard (NAAQS) by the Clean Air Act (CAA) mandated attainment date for moderate nonattainment areas, November 15, 1996. If EPA takes final action on the determination as proposed, the Santa Barbara ozone nonattainment area will be reclassified by operation of law as a serious nonattainment area. On September 24, 1997, the Santa Barbara County Air Pollution Control District requested a

30-day extension of the comment period in order to allow a better opportunity for local stakeholders to provide input to EPA. In response to that request, EPA is announcing a 30-day extension of the public comment period on the September 2, 1997, proposed rule.

DATES: Written comments on the September 2, 1997, proposed rule must be received in writing by November 3, 1997.

ADDRESSES: Comments must be submitted to: U.S. Environmental Protection Agency, Region 9, Office of Air Planning, Air Division, 17th Floor, 75 Hawthorne Street, San Francisco, California 94105.

Copies of EPA's draft technical support document for this rulemaking and EPA's policies governing attainment findings and extension requests are contained in the docket for this rulemaking. A copy of EPA's proposal (62 FR 46234) and the TSD are also available in the air programs section of EPA Region 9's website, <http://www.epa.gov/region09>. The docket is available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 9, Office of Air Planning, Air Division, 17th Floor, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1248.

FOR FURTHER INFORMATION CONTACT: Dave Jesson, Office of Air Planning (AIR-2), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1288.

Dated: October 2, 1997.

John Wise,

Acting Regional Administrator.

[FR Doc. 97-26865 Filed 10-8-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5902-8]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Cleve Reber Superfund Site from the National Priorities List and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Cleve Reber Superfund Site (the "Site") from the National Priorities List (NPL) and

requests public comment on this proposed action. All public comments regarding this proposed action which are submitted within 30 days of the date of this notice, to the address indicated below, will be considered by EPA. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, is codified at appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. EPA in consultation with the State of Louisiana, through the Louisiana Department of Environmental Quality (LDEQ), has determined that no further response is appropriate, and that, consequently, the Site should be deleted from the NPL.

DATES: EPA will consider comments submitted by November 10, 1997.

ADDRESSES: Comments may be mailed to: Ms. Janetta Coats, Community Relations Coordinator (6SF-PO), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-6617.

INFORMATION REPOSITORIES:

Comprehensive information on the Site has been compiled in a public deletion docket which may be reviewed and copied during normal business hours at the following Cleve Reber Superfund Site information repositories:

U.S. EPA Region 6 Library (12th Floor), 1445 Ross Avenue, Dallas, Texas 75202-2733, 1-800-533-3508.

Ascension Parish Public Library, 500 Mississippi Street, Donaldsonville, Louisiana 70346, (504) 473-8052.

FOR FURTHER INFORMATION CONTACT: Ms. Caroline A. Ziegler, Remedial Project Manager (6SF-LP), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-2178.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
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I. Introduction

This is the EPA Region 6 Notice of Intent to Delete (NOID) the Site from the NPL. The NPL is the list, compiled by EPA pursuant to CERCLA Section 105, of uncontrolled hazardous substance releases in the United States that are priorities for long-term remedial evaluation and response. As described in 40 CFR 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.

The EPA will consider comments concerning this NOID which are submitted within thirty days of the date of this NOID. EPA has also published a notice of the availability of this NOID in a major local newspaper of general circulation at or near the Site.

Section II of this NOID explains the NCP criteria for deleting sites from the NPL. Section III discusses procedures to delete a release from the NPL. EPA is using for this action. Section IV discusses the Cleve Reber Superfund Site and explains that the Site meets the NCP deletion criteria.

II. NPL Deletion Criteria

The NCP, at 40 CFR 300.425(e), provides that releases may be deleted from the NPL if 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 has been met:

- i. Responsible parties or other persons have implemented all appropriate response actions required;
- ii. All appropriate Fund-financed¹ 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.

If, at the site of a release, EPA selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, CERCLA Subsection 121(c), 42 U.S.C. 121(c), requires that EPA review such remedial action no less often than each 5 years to assure that human health and the environment are being protected by the remedial action. Since hazardous substances will remain at the Site,² EPA shall conduct such reviews. 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 application of the Hazard Ranking System.³

¹ The "Fund" referred to here is the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986.

² Hazardous substances remain on the Site under a multi-layer soil cap which covers approximately seven acres of the Site. EPA considers the cap to be protective; nonetheless, since hazardous substances will remain on the Site, EPA must conduct the CERCLA-required five-year reviews.

³ The Hazardous Ranking System is the method used by EPA to evaluate the relative potential of

III. Deletion Procedures

EPA followed these procedures regarding the proposed deletion:

- (1) EPA Region 6 made a determination that no further response action is appropriate and that the Site may be deleted from the NPL;

- (2) EPA has consulted with LDEQ, and by letter dated September 12, 1997, LDEQ concurred in EPA's deletion decision;

- (3) EPA has published, in a major local newspaper of general circulation at or near the Site, a notice of availability of the NOID, which includes an announcement of a 30-day public comment period regarding the NOID, and EPA distributed the NOID to appropriate State, local and Federal officials, and to other interested parties; and

- (4) EPA placed copies of information supporting the proposed deletion (*i.e.*, the public deletion docket) in the Site information repositories (the locations of these repositories are identified above).

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 informational purposes and to assist EPA management. As mentioned in Section II of this Notice, 40 CFR 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility of the site for future response actions.

EPA Region 6 will accept and evaluate public comments on this NOID before making a final decision to delete. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received.

Deletion of the Site from the NPL will occur when the EPA Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the NOID. Public notices and copies of the Responsiveness Summary will be made available to local residents upon request to the EPA Remedial Project Manager, Caroline Ziegler at the address listed above. These will also be placed in both repository locations listed above, where they can be obtained by request.

IV. Basis for Intended Site Deletion

The following information provides the EPA's rationale for the proposal to delete the Site from the NPL:

hazardous substance releases to cause health or safety problems, or ecological or environmental damage.

A. Site Location

The Site is located two miles southwest of Sorrento in Ascension Parish, Louisiana. The Site is an abandoned 25-acre landfill. Prior to the completion of the remedial action on the Site, the Site contained one large pond (about 10 acres) and three small ponds (approximately one acre total). The Site is bordered on the north by residential properties, on the east and south by swampland, and on the west by Louisiana Highway 70.

The Site lies in the Mississippi alluvial plain section of the East Coastal Plain Physiographic Province. The Site is on the Prairie Formation of Pleistocene Age, which consists generally of undifferentiated sediments. The sediments are made up of tan and gray clays and clayey and sandy silts. The major fresh water aquifers beneath the Site are composed of older deltaic deposits. These aquifers used for water supplies include the Gonzales aquifer which is at a depth of about 500 feet and an overlying Norco aquifer which is at a depth of about 260 feet below the ground surface. The shallow groundwater is generally within a few feet of the surface and is not a documented source of potable water in the area.

B. Site History

Pits located on the site were originally used as the source of borrow material during the construction of embankments for the Sunshine Bridge and portions of Interstate Highway 10. In 1970 the land was leased for use as a landfill by the Environmental Controls Company (ECCO) of Louisiana, with Mr. Cleve Reber as the president. In August 1970, Ascension Parish entered into a sanitary landfill operation agreement with ECCO. Between 1970 and 1974, both municipal and industrial wastes were disposed in the borrow pits. Trenches were also dug on the Site, and were filled with wastes. One large pit and three smaller pits filled with rain water and became ponds. In July 1974, the landfill operators were found to be in violation of the State sanitation code, and they were ordered to stop receiving waste. Thereafter, the Site was abandoned by ECCO.

In 1981 the State of Louisiana, in response to citizen complaints, funded a study to collect data to develop a plan to close the Site. Tests showed the presence of significant levels of hazardous substances including hexachlorobenzene and hexachlorobutadiene. The Site was promulgated to the National Priorities

List (NPL) in September 1983, (see 48 FR 40658, September 8, 1983).

The State fenced the Site in early 1983 due to citizen concerns. In July 1983, EPA conducted an emergency removal. As part of the removal, over 1,100 drums were removed from the Site. Piles of waste located on the surface of the Site were also removed. As a temporary protective measure, a thin clay cap was placed over areas thought to contain buried drums and wastes. These areas of buried waste were later permanently addressed as part of a remedial action.

A Remedial Investigation (RI) and Feasibility Study (FS) was completed by EPA in May 1985. In order to include an expanded analysis of innovative remedial technologies, and to quantify the groundwater contaminants at much lower detection levels, a supplemental RI/FS was initiated in August 1985 and completed in April 1986.

The major volume of waste disposed at the Site was municipal waste. The analytical results of field samples collected during the original and supplemental RI indicated that all significant contamination was restricted to the Site. On-site media including the surface water, sediments, surface soils, waste pits, and shallow groundwater were contaminated with organic pollutants. The primary organic pollutants of concern included hexachlorobenzene, hexachlorobutadiene, hexachloroethane and tetrachloroethene. Inorganic analyses indicated a wide range of inorganic pollutant concentration levels in the on-site media and in background samples. No consistently high concentrations were observed. This made qualitative evaluations of any inorganic concentrations found very difficult and impractical.

The EPA issued a Record of Decision (ROD)⁴ on March 31, 1987. The selected remedy called for excavation and on-site incineration of buried drums and sludges, draining and backfilling on-site ponds, placing a clay cap over the landfill areas, and groundwater monitoring. The estimated cost of the cleanup was \$25 million.

On September 30, 1988, EPA issued a Unilateral Administrative Order, amended on February 5, 1991 (hereinafter the 1988 order and its 1991 amendment are referred to collectively as the Order), addressed to a total of five responsible parties. The Order required the implementation of the remedial design and the remedial action for the

Site and the performance of operation and maintenance subsequent to completion of implementation of the remedy. Some of these responsible parties completed the remedial design and remedial action at a cost of over \$53 million. The remedial action began in August 1993, and ended in May 1996 with the completion of the cap.

Dewatering and backfilling of the three Site ponds identified in the ROD was completed in July 1995. Ponds were dewatered to a level of approximately one foot above the pond bottom. Ponds were then backfilled with sand until a firm working surface was achieved. The sand was then covered with a geotextile material. Approximately 5 feet of clay was placed over the geotextile in order to achieve grades that would be resistant to erosion, and to complete the backfill operation. The clay fill was installed and compacted in 8-inch lifts,⁵ and density tests were performed on every lift. If any lift failed the testing it was reworked and retested. A 6-inch layer of topsoil was placed on top of the clay fill prior to landscaping. These multi-layers serve to form an impermeable cap.

Prior to excavating the waste and under EPA oversight, the responsible parties constructed buildings capable of controlling air emissions over the areas to be excavated. These "Excavation and Feed Preparation" buildings were large aircraft hanger-like structures designed to prevent escape of volatile organic compounds (VOCs). The responsible parties kept a negative air pressure vacuum in the buildings in order to maintain VOC concentrations at less than 50 parts per million (ppm), and to prevent an explosive concentration of gases from accumulating. The exhausted air from the buildings was treated with fume incineration and activated carbon prior to atmospheric emission in order to insure that VOC action levels were not exceeded at the fence line, or at residential ambient air monitoring stations.

The horizontal limits of excavation at the Site were based on RI findings. Sheet pilings were installed around the perimeter of the three excavation areas to mark the horizontal limits, support the sidewalls and to control the flow of water into the excavations. Vertical limits of excavation were based upon visual determination of the limits of industrial waste present at the areas in question. The responsible parties, subject to EPA review and approval, visually inspected the material to be excavated and separated it into industrial waste, municipal waste, and

natural soils based on physical form, color, and texture. Excavation continued until visual observation confirmed that all visible industrial waste had been removed. Materials classified as industrial waste were incinerated. The resulting incinerator ash and the materials classified as municipal wastes and native soil were used as a backfill material into the excavated areas. Backfill material was compacted until it was level with the base of the landfill cap. The completion of the landfill cap is described below.

Thermal treatment of industrial waste, drums, wastewater treatment plant sludges, oils and grease was conducted on-site in a Shiroco-infrared type incinerator operated in compliance with the approved operating conditions. A trial burn had been conducted at the Site between July 1 and July 3, 1994. The trial burn results showed that the concentrations of the constituents of concern were all in compliance with the regulatory limits. An average destruction and removal efficiency (DRE) of >99.99939% for hexachlorobenzene and >99.9940% for hexachlorobutadiene were achieved. About 25,000 tons of waste material was incinerated. Waste incineration was completed in September 1995.

The incinerator ash/scrubber filter cake that did not meet the backfill material criteria due to its high metals content was stabilized. Approximately 500 tons of incinerator ash/scrubber filter cake was stabilized prior to placement into the excavated areas as backfill.

The sources of wastewater produced on the Site included groundwater from waste excavation areas, surface water from the on-site ponds, decontamination water, and wastewater from the incineration operations. The wastewater was treated on-site to meet the National Pollutant Discharge Elimination System (NPDES) discharge criteria set by EPA and Louisiana Department of Environmental Quality (LDEQ), and, subsequently, the wastewater was discharged to the Mississippi River via a dedicated pipeline. The wastewater treatment plant included air stripping for VOCs removal, pH adjustment for metals precipitation, coagulation and flocculation, filtration (filter presses), and carbon adsorption units. The wastewater treatment plant operated from November 1993 to December 1995. About 64 million gallons of wastewater were treated and discharged.

A final multi-layer cap was placed over all waste material (and backfill) which remained in the excavation areas. This cap covers approximately seven

⁴ EPA's Record of Decision documents the selection of the remedial alternative which will be used to cleanup the site in question.

⁵ A lift is a layer of excavated material or fill material.

acres of the Site. The cap was installed between November 1995 and May 1996. In preparation for the final cap profile, clean backfill material was applied on top of the waste, and the backfill was graded to the appropriate elevations per the design specifications. A synthetic drainage net, a half foot sand layer and an eighty millimeter High Density Polyethylene (HDPE) were placed on top of the backfill. This allowed for installation of gas vents into the constructed sand layer. The vents extend up through the cap and are used to monitor for gas breakthrough using carbon canister detection units. This system was devised in order to determine if any residual treated waste beneath the cap is breaking down and causing formation of gas. The purpose of the system is to enable contingency plans to be implemented if gas is detected.

A two foot clay layer was installed and compacted in 8-inch lifts on top of the gas vent layer. On top of this clay layer a geotextile and HDPE were installed prior to covering the whole area with one foot of topsoil. The topsoil, which is the exposed portion of the cap, was seeded with vegetation that is intended to anchor the topsoil during rainfall events. To complete the cap, the carbon canisters were attached to the gas vents.

As part of the landfill construction, perforated stainless steel pipes wrapped with a filter fabric were laid in along the bottom, beneath the waste layers. There are various PVC pipe stands which stick up through the cap that are attached to the piping beneath the landfill. These pipe stands are checked on a regular basis (once every three months) for their integrity, as well as to see if any liquids have collected into the pipe system. This system is known as a leachate collection system. The leachate (leachate is any water that percolates through the landfill) can be collected and analyzed.

The responsible parties constructed the remedy at the Site to meet performance standards specified in the ROD. The remedy implemented to address the contamination at the Site has achieved the remedial action objectives and the remediation goals described in the ROD. EPA and the LDEQ have determined that the remedy which includes long-term groundwater monitoring as well as an inspection and maintenance program for the Site is performing as designed, and is operational and functional. No additional treatment or other measures to restore ground-or surface-water quality have been identified as being required.

C. Characterization of Risk

Continued monitoring of groundwater demonstrates that no significant risk to public health or the environment is posed by the hazardous materials remaining at the Site. Based on the successful remedial actions addressing the hazardous materials on-site, the monitoring results of operation and maintenance (O & M) activities to date, and the public health consultation by the Agency for Toxic Substances and Disease Registry (ATSDR), EPA verifies the implemented Site remedy is protective of human health and the environment.

D. Community Involvement

Public participation activities have been satisfied as required in CERCLA Subsection 113(k), 42 U.S.C. 9613(k), and in CERCLA Section 117, 42 U.S.C. 9617. Documents in the deletion docket on which EPA relied for recommendation of the Site deletion from the NPL have been made available to the public in the two information repositories the location of which is identified above.

E. Proposed Action

In consultation with the LDEQ, EPA has concluded that responsible parties have implemented all appropriate response actions required at the Site (neither the CERCLA-required five-year reviews, nor operation and maintenance of the constructed remedy is considered further response action for these purposes), that all appropriate Fund-financed response actions under CERCLA have been implemented, and that no further response action by responsible parties is appropriate. Moreover, EPA, in consultation with LDEQ, has determined that Site investigations show that the Site now poses no significant threat to public health or the environment; consequently, EPA proposes to delete the Site from the NPL.

Dated: September 25, 1997.

Jerry Clifford,

*Acting Regional Administrator, U.S. EPA
Region 6.*

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15, 73, 74, and 76

[ET Docket No. 97-206; FCC 97-340]

Technical Requirements To Enable Blocking of Video Programming Based on Program Ratings

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: By this *Notice of Proposed Rule Making* ("NPRM"), the Commission proposes to amend its rules to require that most television receivers be equipped with features that enable viewers to block the display of video programming with a common rating. Furthermore, the Commission proposes to amend its rules to ensure the ratings information that is associated with a particular video program is not deleted from transmission by broadcast television stations, low power television stations, television translator and booster stations, and cable television systems. The Commission also proposes that similar requirements should be placed on other services that can be used to distribute video programming to the home, such as Multipoint Distribution Services (MDS) and Direct Broadcast Satellite Service (DBS). This action is taken in response to the Parental Choice in Television Programming requirements contained in section 551 (c), (d), and (e) of the Telecommunications Act of 1996 (Pub. L. No. 104-104, 111 Stat. 56), which amended sections 303 and 330 of the Communications Act of 1934 (47 U.S.C. 303 and 330). The proposals contained in this *NPRM* are intended to give parents the ability to block video programming that they do not want their children to watch.

DATES: Comments must be filed on or before November 24, 1997, and reply comments must be filed on or before December 8, 1997.

FOR FURTHER INFORMATION CONTACT: Neal McNeil, Office of Engineering and Technology, (202) 418-2408.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking*, ET Docket 97-206, FCC 97-340, adopted September 25, 1997 and released September 26, 1997. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, NW, Washington, DC. The complete text of this document also may be purchased from the Commission's