

prevent the generation of windfall credits by refineries that have existing gasoline sulfur baselines below 150 ppm sulfur (but now will have an average GPA standard of 150 ppm), we also amended § 80.310, "How are credits generated beginning in 2004?". As stated in the preamble to the direct final rule, we believed that the amendment to § 80.310 would allow for the generation of credits during the 2004 through 2006 period comparable to the number of credits that could have been generated under the Tier 2 rule (65 FR 6698, February 10, 2000), even though the standard for all GPA gasoline will be 150 ppm sulfur.

As a result of the adverse comments received, we are withdrawing all amendments to § 80.310. We intend to consider the issues raised by the comments in a final action based on the concurrent notice of proposed rulemaking (67 FR 40256). With the exception of the amendments to § 80.310, all other amendments will become effective on September 10, 2002 as provided in the June 12, 2002 direct final rule.

#### List of Subjects in 40 CFR Part 80

Environmental protection, Fuel additives, Gasoline, Imports, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: August 16, 2002.

**Robert Brenner,**

*Assistant Administrator for Office of Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7266-1]

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

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of deletion for the Facility Area portion of the A.O. Polymer Site from the National Priorities List.

**SUMMARY:** The U.S. Environmental Protection Agency, Region II announces the deletion of the Facility Area portion of the A.O. Polymer Site (Site) located in Sussex County, New Jersey, from the National Priorities List (NPL). 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). EPA and the State of New Jersey, through the Department of Environmental Protection, have determined that all appropriate response actions under CERCLA, as amended, have been implemented at the Facility Area portion of the Site and that no further response action by responsible parties is appropriate. This partial deletion pertains only to the Facility Area portion of the Site and does not include the other portions of the Site, which will remain on the NPL.

**EFFECTIVE DATE:** August 26, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jeff Catanzarita, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290, Broadway, 19th Floor, New York, NY 10007-1866, (212) 637-4409.

**SUPPLEMENTARY INFORMATION:** The Facility Area portion of the A.O. Polymer Site is located at 44 Station Road in the Township of Sparta, Sussex County, New Jersey. The Site has two portions: The Facility Area and the Disposal Area. The Disposal Area is located in the northeast corner of the Site and is separated from the Facility Area by a dirt road. The Disposal Area and groundwater contamination by the Site are undergoing cleanup and will remain on the NPL.

A Notice of Intent to Delete for the Facility Area portion was published in the **Federal Register** on June 20, 2002 (67 FR 41914). The closing date for

comments on the Notice of Intent to Delete was July 20, 2002. EPA received no comments regarding this deletion. The Deletion Docket may be reviewed at the EPA Region II office in New York, New York, the Sparta Township Library, Sparta, New Jersey, and the New Jersey Department of Environmental Protection office in Trenton, New Jersey.

The NPL is a list maintained by EPA of sites that EPA has determined present a significant risk to human health, welfare, or the environment. Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action. Deletion of a portion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 12, 2002.

**Jane M. Kenny,**

*Regional Administrator, Region II.*

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 42 U.S.C. 9601-9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

2. Table 1 of appendix B to part 300 is amended under the State of New Jersey (NJ) by revising the entry for "A.O. Polymer".

#### Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes(a)
NJ	A.O. Polymer	Sparta/Sussex	P

(a) \* \* \*

P = Sites with partial deletion(s).

[FR Doc. 02-21439 Filed 8-23-02; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****49 CFR Part 1**

[Docket OST-1999-6189]

RIN: 9991-AA28

**Organization and Delegation of Powers and Duties; Delegation to the Commandant, United States Coast Guard**

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

**SUMMARY:** The Secretary of Transportation is delegating to the Commandant, United States Coast Guard, his authority to accept volunteer services and to provide benefits to the dependents of military members who are separated for dependent abuse.

**EFFECTIVE DATE:** August 26, 2002.

**ADDRESSES:** Material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket OST-2002-6189 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, contact LT Rick Evans, telephone 202-267-2335, U.S. Coast Guard, 2100 Second Street SW., Washington DC 20593-0001. If you have questions on viewing the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, at 202-366-5149.

**SUPPLEMENTARY INFORMATION:** The Secretary of Transportation, as Secretary of the Department in which the Coast Guard is operating, is vested with the authority to accept voluntary services under 10 U.S.C. 1588. Section 1588 authorizes the Secretary to accept, from any person, certain voluntary services in support of Coast Guard activities. This is an exception to the general prohibition against accepting such services in 31 U.S.C. 1342. The Secretary's authority to accept voluntary services for museums and family support programs operated by the Coast Guard under section 1588 was delegated to the Commandant in 49 CFR 1.46(rr).

Subsequent to the delegation of this authority to the Commandant, however, Congress significantly expanded the areas in which voluntary services could be accepted, to include natural resources programs and a variety of personnel support and recreation programs. The present change makes it clear that all of the Secretary's authorities and functions under section 1588 are delegated to the Commandant.

This rule also delegates to the Commandant the Secretary's authority under 10 U.S.C. 1059, which authorizes the Secretary to establish a program to pay monthly transitional compensation to dependents of Coast Guard members who were separated for dependent abuse offenses.

These delegations provide the Commandant of the Coast Guard with the ability to exercise all of the Secretary's authority under 10 U.S.C. 1588 and 1059. This rule does not substantially change the organization or authorities of the Department of Transportation or the Coast Guard.

The Department publishes this rule as a final rule, effective on the date of publication. Because these amendments relate to departmental management, organization, procedure, and practice, notice and comment are unnecessary under 5 U.S.C. 553(b). Further, because this rule does not substantially change the authorities or functions of the Department or the Coast Guard, the Department finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

**Regulatory Process Matters***Regulatory Assessment*

This rulemaking is a nonsignificant regulatory action under section 3(f) of Executive Order 12866 and has not been reviewed by the Office of Management and Budget under that Order. This rule is also not significant under the regulatory policies and procedures of the Department of Transportation, 44 FR 11034.

This rule does not impose unfunded mandates or requirements that will have any impact on the quality of the human environment.

*Small Business Impact*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The Act requires agencies to review proposed regulations that may have a significant economic impact on a substantial

number of small entities. The Department certifies that this rule is not expected to have a significant economic impact on a substantial number of small entities. Therefore, an Initial Regulatory Flexibility Analysis has not been performed.

*Collection of Information*

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

*Federalism Assessment*

This proposed rule has been reviewed in accordance with the principles and criteria contained in Executive Order 13132 dated August 4, 1999, and it is determined that this action does not have a substantial direct effect on the States, or the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This rule will not limit the policymaking discretion of the State nor preempt any State law or regulation.

**List of Subjects in 49 CFR Part 1**

Authority delegations (Government agencies), Organization and functions (Government agencies).

For the reasons discussed in the preamble, the Office of the Secretary amends 49 CFR Part 1 as follows:

**PART 1—[AMENDED]**

1. The authority citation for Part 1 continues to read as follows:

**Authority:** 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. No. 101-552, 104 Stat. 2736; Pub. L. No. 106-159, 113 Stat. 1748.

2. In section 1.46, revise paragraph (rr) and add new paragraph (vvv) to read as follows:

**§ 1.46 Delegations to Commandant of the Coast Guard.**

\* \* \* \* \*

(rr) Carry out the functions and exercise the authority vested in the Secretary by 10 U.S.C. 1588 to accept voluntary services.

\* \* \* \* \*

(vvv) Carry out the functions and exercise the authority vested in the Secretary by 10 U.S.C. 1059 to establish a program to pay monthly transitional compensation to dependents of Coast Guard members who were separated for dependent abuse offenses.

\* \* \* \* \*