

and is therefore not subject to OMB review.

List of Subjects in 40 CFR Part 82

Environmental protection, Air pollution control.

Dated: April 24, 1995.

Carol M. Browner,
Administrator.

40 CFR part 82 is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation of part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

2. Section 82.174 is amended by adding paragraph (e) to read as follows:

§ 82.174 Prohibitions.

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(e) *Rules Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart G is stayed from May 2, 1995 to until the effective date of USEPA's final action following reconsideration of the SNAP rule only as applied to use of substitutes for export.

[FR Doc. 95–10624 Filed 5–1–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 300

[FRL–5200–3]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA” or “the Act”), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (“NPL”) which is appendix B to 40 CFR part 300 constitutes this list.

In this document, the Environmental Protection Agency (EPA) is withdrawing its proposal to list the Texas Eastern Kosciusko Compressor Station site on the NPL. Because of the unique circumstances surrounding this site, NPL listing has been deemed unnecessary. The rationale supporting this action are explained further in the

Supplementary Information section below.

DATES: This withdrawal is effective May 2, 1995.

FOR FURTHER INFORMATION CONTACT: June Wiaz, Hazardous Site Evaluation Division, (703) 603–8864, Office of Emergency and Remedial Response (5204G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, or the Superfund Hotline, phone (800) 424–9346, or (703) 412–9810 in the Washington DC, metropolitan area.

SUPPLEMENTARY INFORMATION: In this document, EPA is withdrawing its proposal to list Texas Eastern's Kosciusko, Mississippi, Compressor Station Site on the National Priorities List (NPL). EPA proposed to add the Kosciusko site to the NPL on August 23, 1994 (59 FR 43314).

Texas Eastern's comments on the proposal and other information submitted to the Agency have led EPA to withdraw it. EPA's reasons for withdrawal are multi-faceted. First, this is a site unique among those on the NPL or proposed for NPL listing. The Kosciusko site is just one of 89 along the company's pipeline (which extends from the Gulf of Mexico to New York). Second, Texas Eastern currently is addressing all of the affected sites under a federally enforceable Consent Decree negotiated with the United States pursuant to the Toxic Substances Control Act (TSCA). Texas Eastern is expected to spend approximately \$750 million over the next 10 years complying with the Consent Decree.

Under the Consent Decree, dated June 1988 and amended March 1995, there is an agreed-upon schedule of characterization for the 89 sites. Texas Eastern maintains that it was their expectation, when they entered into the consent agreement, that it would shield them from inclusion on the NPL and action under CERCLA. The Agency accepts that Texas Eastern has acted in good faith to carry out the provisions of that agreement.

Texas Eastern has nominated the Kosciusko site as one of 10 of its pipeline sites scheduled for remediation in 1996. This represents an accelerated schedule for the Kosciusko site which will be fully characterized during 1995. EPA and Texas Eastern have negotiated modifications to the Consent Decree requiring that the company address all significant off-site contamination attributable to the Kosciusko Compressor Station. Texas Eastern's efforts at characterizing the site include a five-year fish study. The study which has been going on for more than two

years, will help determine the nature and extent of the PCB contamination. This characterization of downstream effects will be useful in remedy selection.

Allowing the Consent Decree process to govern cleanup of the Kosciusko site stems from a desire to avoid a fragmented approach to Texas Eastern's 89 sites. The alternative—trying to address all sites under various Federal statutes with different requirements and cleanup levels—would result in inconsistent cleanups and a much slower process. In negotiating the Consent Decree, the United States and Texas Eastern sought to develop an orderly process by which response work would proceed. Listing the site on the NPL arguably violates this process.

For these reasons EPA, at this time, elects to withdraw its proposal to list the Kosciusko compressor station site on the NPL. However, should conditions change (i.e. insufficient progress toward cleanup) such that placing the site on the NPL would effect a more thorough and timely cleanup, EPA reserves the right to re-propose the site.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Environmental protection, Hazardous materials, Hazardous substances, Incorporation by reference, Intergovernmental relations, Natural resources, Occupational safety and health, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: April 24, 1995.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 950421111–5111–01; I.D. 022895B]

Summer Flounder Fishery; Dealer Reporting Requirements

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

ACTION: Proposed rule; request for comments.