

Headquarters or appropriate Regional docket. An informal written request, rather than a formal request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents.

EPA considers all comments received during the comment period. During the comment period, comments are placed in the Headquarters docket and are available to the public on an "as received" basis. A complete set of comments will be available for viewing in the Regional docket approximately one week after the formal comment period closes. Comments received after the comment period closes will be available in the Headquarters docket and in the Regional docket on an "as received" basis. Comments that include complex or voluminous reports, or materials prepared for purposes other than HRS scoring, should point out the specific information that EPA should consider and how it affects individual HRS factor values. See *Northside Sanitary Landfill v. Thomas*, 849 F.2d 1516 (D.C. Cir. 1988). EPA will make final listing decisions after considering the relevant comments received during the comment period.

In past rules, EPA has attempted to respond to late comments, or when that was not practicable, to read all late comments and address those that brought to the Agency's attention a fundamental error in the scoring of a site. (See, most recently, 57 FR 4824 (February 7, 1992)). Although EPA intends to pursue the same policy with sites in this rule, EPA can guarantee that it will consider only those comments postmarked by the close of the formal comment period. EPA has a policy of not delaying a final listing decision solely to accommodate consideration of late comments.

In certain instances, interested parties have written to EPA concerning sites which were not at that time proposed to the NPL. If those sites are later proposed to the NPL, parties should review their earlier concerns and, if still appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to the period of formal proposal and comment will not generally be included in the docket.

II. Contents of This Proposed Rule

Table 1 identifies the 12 sites in the General Superfund Section being proposed to the NPL in this rule. This table follows this preamble. All sites are proposed based on HRS scores of 28.50 or above with the exception of LCP Chemicals (Brunswick, Georgia), which

is being proposed based on its designation as the State's top priority, and Aircraft Components (D & L Sales, Benton Harbor, Michigan), H & K Sales (Belding, Michigan), and Little Valley (Little Valley, New York) which are being proposed based on ATSDR health advisory criteria. The sites in Table 1 and Table 2 are listed alphabetically by State, for ease of identification, with group number identified to provide an indication of relative ranking. To determine group number, sites on the NPL are placed in groups of 50; for example, a site in Group 4 of this proposal has a score that falls within the range of scores covered by the fourth group of 50 sites on the NPL.

This action along with a final rule published in the Federal Register issued of September 29, 1995, results in an NPL of 1,238 sites, 1,083 in the General Superfund Section and 155 in the Federal Facilities Section. An additional 52 sites are now proposed and are awaiting final agency action, 47 in the General Superfund Section and 5 in the Federal Facilities Section. Final and proposed sites now total 1,290.

Proposal, Based on Risk Assessment, To Withdraw an Earlier Proposal To List the Broward County, 21st Manor Dump Site on the NPL

Also in this rule, EPA is proposing to withdraw its earlier proposal to list the Broward County—21st Manor Dump site on the NPL. The site was proposed for listing on July 29, 1991 (56 F.R. 35840). The reason for the withdrawal of the Broward County site is the determination that the site as currently defined does not pose a significant threat to public health or the environment and, therefore, taking of remedial measures under CERCLA is not appropriate.

This decision is supported by the baseline risk assessment conducted in conjunction with the RI/FS for the site and represents the beginnings of an effort to develop a new policy for sites which have been proposed for NPL listing. Under this policy, EPA would use for sites proposed for NPL listing one of the criteria similar to those for deleting sites from the NPL. These criteria, described above, are found at 40 CFR 300.425(e). One criterion is found at 40 CFR 300.425(e)(1)(iii), which states that a site may be deleted from the NPL if "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." The proposed action to withdraw the Broward site uses this approach for the proposed site.

The proposed withdrawal is site-specific, and represents the beginning of an evolving effort to apply criteria similar to the deletion criteria to sites not yet finalized to the NPL where appropriate. With the advent of the Superfund Accelerated Cleanup Model (SACM) more sites have been undergoing earlier response actions. Early action means that while in proposed status, a site might be characterized to the extent that EPA has sufficient data to issue a No Action Record of Decision. A risk assessment would generally be valid for this purpose if it is performed by the Agency, or by a contractor under the oversight and approval of EPA.

In December 1993, EPA issued the "Baseline Risk Assessment for the 21st Manor Dump Site Broward County, Florida." The risk assessment was conducted in accordance with Subpart E, Section 300.430(d) of the National Contingency Plan (NCP) and characterized the current and potential threat to public health and the environment posed by chemicals at, or migrating from, the 21st Manor Dump Site in the absence of remedial (corrective) action. The risk assessment is available for viewing through the Superfund Docket, (703) 603-8917. For more detailed information on EPA's evaluation of the risk assessment, please refer to the *Superfund NPL Withdrawal Notification Report* for the Broward County site contained in the Superfund Docket.

The risk assessment considered toxicity and exposure information for each chemical of concern and potential exposure pathway. The assessment identified three areas of potential concern: soils (surface and subsurface), groundwater in the vicinity of the Broward site analyzed in temporary wells sunk by the investigator and used for sampling, and drinking water in the nearby Peele-Dixie Wellfield. This drinking water area of concern was analyzed by examining permanent (long-term monitoring, residential or municipal) wells and surface water/sediment from aeration ponds near a municipal well.

The risk assessment dismissed concerns for groundwater in the vicinity of the site based on the fact that this shallow groundwater is not likely to be tapped for potable use and any excavation at the site would use pumps to prevent exposure to workers at the site. Moreover, organic chemicals of concern were only found in one or two of nine samples analyzed. Also, it was not clear that any of the inorganic chemicals were detected above naturally occurring background levels.