

than 50 percent of the assets of the owner of the flue-cured tobacco allotment and marketing quota also meet the criteria specified in paragraph (b)(2)(i) of this section.

(iii) In addition, an institution of higher education, such as a university or college, shall be considered to be a person significantly involved in the management or use of land for agricultural purposes if the county ASC committee determines that it is actively engaged in the production of tobacco for experimental purposes or for instructional purposes under a program whereby students are enrolled in

courses requiring them to actually produce the tobacco crop.

(3) *Documentation.* Within 30 days after a written request is made by the county ASC committee, or within such extended time as may be granted by the county ASC committee, a person must submit such documentation as may be requested to support a determination that the provisions of paragraph (b)(2) of this section have been met with respect to such person. Upon failure of such person to timely respond to such request, the county ASC committee shall determine that the person is not significantly involved in the

management or use of land for agricultural purposes.

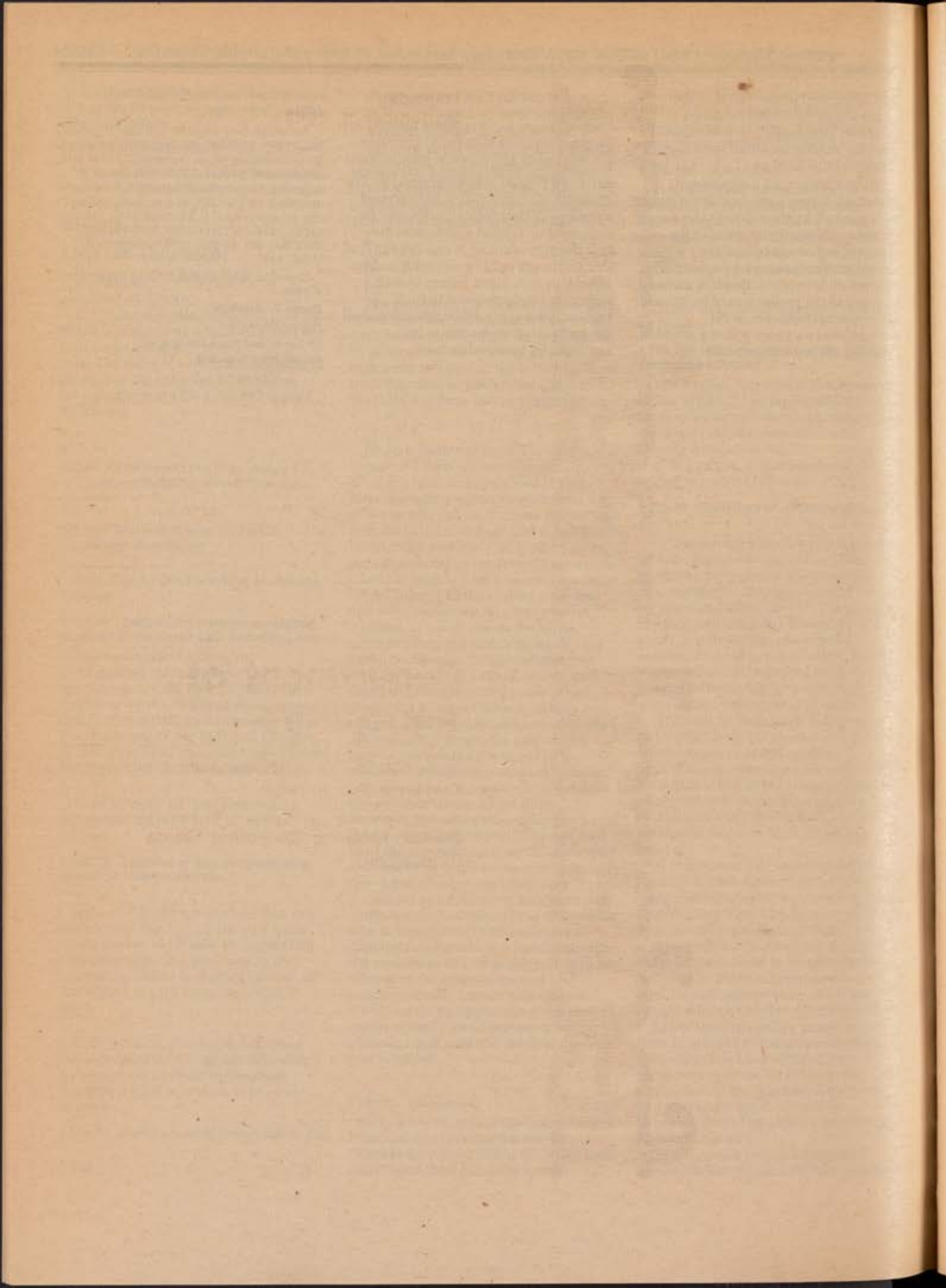
Authority: Sec. 301, 313, 314, 316, 316A, 317, 363, 372-375, 377, 378, 52 Stat. 38 as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 96 Stat. 205, 79 Stat. 66, as amended, 52 Stat. 63, as amended, 65-66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended, 7 U.S.C. 1301, 1313, 1314, 1314b, 1314b-1, 1314c, 1363, 1372-75, 1377, 1378, Sec. 401, 63 Stat. 1054, as amended, 7 U.S.C. 1421.

Signed at Washington, D.C. on September 1, 1983.

Daniel G. Amstutz,
Acting Secretary.

[FR Doc. 83-24503 Filed 9-2-83; 12:01 pm]

BILLING CODE 3410-05-M



Federal Register

Thursday
September 8, 1983

Part V

Department of Agriculture

Agricultural Stabilization and
Conservation Service

Burley Tobacco Marketing Quota
Regulations

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 726

Burley Tobacco Marketing Quota Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adopts as a final rule with certain amendments the interim rule published in the *Federal Register* on April 22, 1983 (48 FR 17520) regarding Burley tobacco marketing quotas. The amendments consist of technical revisions.

In addition, the proposed rule published in the *Federal Register* on April 22, 1983 (48 FR 17528) is adopted as a final rule with one amendment with respect to the percentage of gross income which an owner of a burley tobacco quota must derive from the management or use of land for agricultural purposes in order to retain such quota. The amendment reduces such percentage from 50 percent to 20 percent.

DATES: Effective September 8, 1983.

ADDRESS: Copies of the Final Regulatory Flexibility Impact Analysis and the Final Regulatory Impact Analysis may be obtained from the Director, Analysis Division, Room 3714 South Building, Fourteenth Street and Independence Avenue, SW., P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Jack S. Forlines, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 382-0200.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Information collection requirements contained in this regulation (7 CFR Part 726) have been approved by the Office

of Management and Budget (OMB) in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB numbers 0560-0058 and 0560-0117.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

While the Regulatory Flexibility Act is not applicable to this rule, a Final Regulatory Flexibility Impact Analysis has been prepared with a Final Regulatory Impact Analysis. Since this action may have a significant economic impact on a substantial number of small entities, the impact analysis addresses the issues required in section 603 of that Act.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

An interim rule was published in the *Federal Register* on April 22, 1983 (48 FR 17520) which amended 7 CFR Part 726 to provide restrictions with respect to the lease and transfer of quotas by producers and the marketing of tobacco by producers, warehousemen, and dealers. A proposed rule was published in the *Federal Register* on April 22, 1983 (48 FR 17528) which contained provisions with respect to the forfeiture of burley tobacco quota established for farms owned by persons, other than individuals, which are not significantly involved in the management or use of land for agricultural purposes.

Statutory Authority

This rule is necessary to implement amendments to the Agricultural Adjustment Act of 1938, as amended (the Act), which were made by the No Net Cost Tobacco Program Act of 1982 (Pub. L. 97-218). The amendments provided for: (1) Changes with respect to the lease and transfer of burley tobacco quota; (2) forfeiture of burley tobacco quota under certain conditions; (3) reallocation of forfeited quota; (4) limitations on the amount of floor sweepings which may be marketed without penalty by a warehouseman; (5) a lien on tobacco as a mechanism for collecting marketing quota penalties; and (6) other changes to strengthen the operation of the tobacco price support and production adjustment programs.

Interim Rule

Only one comment was received in response to the interim rule which was published in the *Federal Register* on

April 22, 1983 (48 FR 17520). The comment relates to the provision which subjects a producer of burley tobacco to a penalty with respect to any marketing of burley tobacco produced on a farm on which the farm operator or any other producer has not agreed to pay assessments to the No Net Cost Tobacco Account. Since the penalty is required by section 314 of the Act, the Secretary does not have discretionary authority with respect to this matter. Accordingly, the provisions of the interim rule have been adopted as a final rule except for technical amendments required to correct a typographical error and to reflect the change of the name of the Kansas City Field Office (KCFO) to the Kansas City Management Office (KCMO). A new section has also been added with respect to the reporting requirements of the Paperwork Reduction Act. The table of contents has been amended to reflect this addition.

Proposed Rule

The Department received 223 comments from 221 persons relating to the burley tobacco proposed rule which was published in the *Federal Register* on April 22, 1983 (48 FR 17528). The 221 persons who commented consisted of 28 producers, 7 financial institutions, 160 individuals, 2 congressmen, 1 national farm organization, 2 State farm organizations, 7 organizations other than farm organizations, 1 church, 8 county governments, 1 State government, 1 law firm, and 5 corporations.

The comments which were relevant to the proposed rule were made with respect to one or more of the following issues:

(a) *Whether certain persons should be excluded from the requirement to sell or forfeit quota established for farms owned by any person, other than an individual, who is not significantly involved in the management or use of land for agricultural purposes.* The No Net Cost Tobacco Program Act of 1982 added a new section 316B to the Act, which provides, in part:

(a) Any person (including, but not limited to, any governmental entity, public utility, educational institution, or religious institution, but not including any individual) which, on or after the date of the enactment of the section—

(1) owns a farm for which a burley tobacco marketing quota is established under this Act; and

(2) is not significantly involved in the management or use of land for agricultural purposes;

shall sell, not later than December 1, 1983, or December 1 of the year after the year in which the farm is acquired, whichever is later, such quota to an active burley tobacco

producer or any person who intends to become an active burley tobacco producer, as defined by the Secretary, for use on another farm in the same county or shall forfeit such quota under the procedure specified in subsection (b).

The term "person" is defined by section 301(a)(8) of the Act to mean "an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or any agency of a State." Since the term "person" has previously been defined in the Act and has been used as a basis for defining the term "person" for the purpose of other domestic commodity programs, the proposed rule is adopted as the final rule with respect to the definition of a "person."

(b) *What constitutes "significantly involved in the management or use of land for agricultural purposes."* Section 316B of the Act also provides that any person, other than an individual, which is not significantly involved in the management or use of land for agricultural purposes shall sell or forfeit any burley tobacco quota established for any farm which such person owns. In the proposed rule, the basic criterion for determining significant involvement was the determination that the primary business purpose of the person is to manage or use land for production of crops which are planted and harvested annually and/or the production of livestock, including pasture and forage for livestock. Also, more than 50 percent of such person's total gross income for the three preceding years must have been derived from the management or use of land for such purposes.

A national farm organization proposed that a person be considered significantly involved if "the primary purpose of the person is the management or use of land for the production of crops which are planted and harvested annually; or the person materially participates in the management or use of the land for agricultural purposes, including advancing funds or assuming financial responsibility for the production of tobacco." The organization expressed the view that its proposed language more directly addresses the significantly involved issue than a test which is based on both farm and nonfarm sources of gross income. The organization did not suggest a method for determining "primary purpose" without considering income. The Department, however, remains committed to the view that significant involvement should be on the basis of gross income since such a basis can be readily determined from existing records of the person. Also, such a basis can be

uniformly applied by all county ASCS offices.

(c) *Whether a governmental body or a school board should be permitted to retain any burley tobacco quota established for a farm owned by such entity.* The proposed rule requires any governmental entity or any educational institution to sell or forfeit any burley tobacco quota established for any farm owned by such entity if such entity is not significantly involved in the management or use of land for agricultural purposes. However, under the provisions of the proposed rule, institutions of higher education, such as a university or college, are considered to be a person significantly involved in the management or use of land for agricultural purposes if such institutions are actively engaged in the production of tobacco for experimental purposes or for instructional purposes in a program whereby students are enrolled in courses requiring them to actually produce the tobacco crop. There were 165 comments recommending that county governments or county school boards be permitted to retain burley tobacco quota established for any farms owned by such entities. Some of these comments suggested that such entities be considered significantly involved in the management or use of land for agricultural purposes if they meet the same criterion which is required for an institution of higher education to be considered as significantly involved.

In keeping with the requirements of the Act that the burley tobacco marketing quota established for certain farms must be sold to active tobacco producers, or forfeited and reallocated to active tobacco producers, the Department has concluded that there should be no special rules which would be applicable to governmental bodies or school boards in determining whether they are significantly involved in the management or use of land for agricultural purposes.

In order to conduct an effective high school teaching and training program with respect to the production of burley tobacco, it is not necessary that the students produce burley tobacco on farms owned by governmental bodies or school boards for which a burley tobacco marketing quota is established. There are many vocational agriculture programs conducted by high schools which do not have access to a publicly owned farm for which a burley tobacco quota is established. The students in such programs generally gain practical experience on privately owned farms which produce burley tobacco.

(d) *The percentage of gross income which must be derived from the*

management or use of land for agricultural purposes. The proposed rule requires that the person derive more than 50 percent of its gross income for the three preceding years from the management or use of land for agricultural purposes when determining whether the person is significantly involved in such activities. Only one person commented with respect to burley tobacco. That person recommended that 10 percent of gross income be used instead of 50 percent.

Section 302 of the No Net Cost Tobacco Program Act of 1982 amended the Act by adding section 316B which requires any person who acquires any burley tobacco marketing quota by purchase to share in the risk of producing burley tobacco subject to such quota. For a person to be considered to have shared in the risk of producing burley tobacco, such person must meet several requirements, including the requirement that "the investment of such person in the production of such crop is not less than 20 per centum of the proceeds of the sale of such crop." (See section 316B(c)(2)(A) of the Act.) After reviewing this requirement and taking into consideration all comments received, the Department has concluded that the proposed rule may have been too restrictive. Therefore, the final rule provides that a person shall be considered significantly involved in the management or use of land for agricultural purposes if such person's total gross income from the management or use of land for agricultural purposes during the three preceding years is more than 20 percent of such person's total gross income from all sources during such period.

These comments and all others received were considered in developing the final rule.

Final Rule From Interim or Proposed Rules

The interim rule which was published in the *Federal Register* on April 22, 1983 (48 FR 17520) is adopted as the final rule except for certain amendments which are made for the purpose of minor technical revisions.

The proposed rule which was published in the *Federal Register* on April 22, 1983 (48 FR 17528) is adopted as the final rule except for an amendment which states that more than 20 percent of a person's gross income during the three preceding years must be derived from the management or use of land for agricultural purposes to constitute significant involvement. This 20 percent level is substituted for the 50

percent requirement which was contained in the proposed rule.

List of Subjects in 7 CFR Part 726

Marketing quota, Penalties, Report requirements, Tobacco.

Final Rule

PART 726—[AMENDED]

Accordingly, 7 CFR Part 726 is amended as follows:

1. The interim rule published at 48 FR 17520 is adopted as a final rule with the following changes:

A. The table of contents is amended by adding the entry for § 726.49 and by revising the entry for § 726.100 to read as follows:

Sec.

726.49 OMB Control Numbers assigned pursuant to the Paperwork Reduction Act.

726.100 Duties of Kansas City ASCS Management Office.

B. A new § 726.49 is added to read as follows:

§ 726.49 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements contained in these regulations (7 CFR Part 726) have been approved by the Office of Management and Budget (OMB) in accordance with the provisions of the 44 U.S.C. Chapter 35 and have been assigned OMB Control Numbers 0560-0058 and 0560-0117.

§ 726.93 [Amended]

C. In § 726.93, the title of the section is corrected to read "Warehouseman's records and reports."; paragraph (a)(4) is amended by removing the words "Kansas City Field Office (KCFO)" and inserting in their place the words "Kansas City Management Office (KCMO)"; and paragraph (d)(2) is amended by removing "KCFO" and inserting in its place "KCMO".

D. Section 726.100 is revised to read as follows:

§ 726.100 Duties of Kansas City ASCS Management Office.

The Kansas City ASCS Management Office (KCMO) has responsibility for processing certain data and making such reports as may be required by the Deputy Administrator.

2. Section 726.69 is revised to read as follows:

§ 726.69 Forfeiture of quota.

(a) *Determination of quota subject to forfeiture.* (1) For purposes of paragraph

(b) of this section, the phrase "owns a farm" means ownership of:

(i) A farm as constituted under Part 719 of this Chapter if the entire farm shares a common ownership; or

(ii) All of the land within a farm which shares common ownership (commonly referred to as a "tract") if the parent farm consists of tracts of land having separate ownership.

(2) For purposes of paragraph (b) of this section, the county committee shall apportion, in accordance with the provisions of Part 719 of this chapter, the burley tobacco quota assigned to a farm between the various tracts of land which are separately owned by:

(i) A person which is not significantly involved in the management or use of land for agricultural purposes, as described in paragraph (b) of this section.

(ii) An individual, or owned by a person which is significantly involved in the management or use of land for agricultural purposes.

(3) The farm marketing quota determined under this section for each farm or tract, as applicable, shall be the amount of quota subject to forfeiture under this section.

(b) *Person not significantly involved in management or use of land for agricultural purposes.* For purposes of this paragraph, the term "person" means a person as defined in Part 719 of this chapter, including any governmental entity, public utility, educational institution, religious institution, or joint venture (but not including any farming operation involving only a husband and wife), but excluding any individual.

(1) *Required forfeiture.* Any person not significantly involved in the management or use of land for agricultural purposes which owns a farm for which a burley tobacco marketing quota is established shall forfeit such quota which is not sold on or before:

(i) *Farm owned or acquired before January 1, 1983.* December 1, 1983.

(ii) *Farm acquired on or after January 1, 1983.* December 1 of the year after the year in which the farm is acquired.

(2) *Significantly involved.* A person shall be considered to be significantly involved in the management or use of land for agricultural purposes if the county ASC committee determines that:

(i) For the 3 preceding years, more than 20 percent of the gross income of the person has been derived from the management or use of land for the production of crops which are planted and harvested annually, and/or livestock, including pasture and forage for livestock; and

(ii) Any other person or all persons which in combination own more than 50

percent or more of the assets of the owner of the farm for which a burley tobacco marketing quota is established also meet the criteria specified in paragraph (b)(2)(i) of this section.

(iii) In addition, an institution of higher education, such as a university or college, shall be considered to be a person significantly involved in the management or use of land for agricultural purposes if the county ASC committee determines that it is actively engaged in the production of tobacco for experimental purposes or for instructional purposes under a program whereby students are enrolled in courses requiring them to actually produce the tobacco crop.

(3) *Documentation.* Within 30 days after a written request is made by the county ASC committee, or within such extended time as may be granted by the county ASC committee, a person must submit such documentation as may be requested to support a determination that the provisions of paragraph (b)(2) of this section have been met with respect to such person. Upon failure of such person to timely respond to such request, the county ASC committee shall determine that the person is not significantly involved in the management or use of land for agricultural purposes.

(c) *Buyer of quota fails to share in risk of production—(1) Forfeiture required.* If any person buys burley tobacco quota in accordance with the provisions of § 726.68 and such person fails to share in the risk of producing the tobacco which was planted subject to such quota during any of the five crop years beginning with the crop year for which the purchase became effective, such person shall forfeit the purchased quota if it is not sold on or before December 31 of the year after the crop year in which such crop was planted.

(2) *Failure to utilize purchased quota.* The failure to utilize purchased burley tobacco quota for the production of tobacco shall not result in the forfeiture of such quota, but the five year period which is specified in paragraph (c)(1) of this section shall be extended one year for each year in which the quota is not utilized.

(3) *Reduction for failure to share in risk of production.* The effective quota shall be reduced, but not below zero pounds, for leasing and marketing quota purposes only, to the extent of the purchased quota for each crop year after the crop year in which the buyer of such quota fails to share in the risk of producing a crop of tobacco which is subject to such quota.

(4) *Determining forfeited amount.* If only part of the quota on a farm is attributable to a purchased quota, the amount of the farm marketing quota which must be forfeited under this paragraph (c) shall be determined by increasing or decreasing each respective purchase of farm marketing quota for the farm to reflect changes in national quota factors since the purchase occurred and subtracting the pounds of quota which have been sold to prevent forfeiture.

(d) *Hearing.* Before any forfeiture of quota becomes effective under the provisions of this section, the county committee shall:

(1) Schedule a hearing for the affected person.

(2) Notify the affected person of the hearing at least 10 days in advance of the hearing.

(3) Make a determination, on the basis of any evidence presented at the hearing, as to whether or not the affected person knowingly failed to take steps to prevent forfeiture of quota.

(4) Notify the affected person of the county committee determination and, if forfeiture of quota is to be required, afford such person an opportunity to appeal to a review committee in accordance with the provision of Part 711 of this chapter.

(e) *Apportionment of data and determination of quota after forfeiture—*

(1) *Apportionment of data.* The pounds of farm marketing quota retained on the forfeiting farm after the forfeiture shall be divided by the farm marketing quota established for the forfeiting farm before the forfeiture to determine a factor for apportioning farm data. The data to be retained on the forfeiting farm shall be determined by multiplying the factor by the following data of the forfeiting farm:

(i) The overmarketings which have not been subtracted when determining the effective farm marketing quota of the forfeiting farm.

(ii) The pounds of quota transferred from the forfeiting farm by lease or by the owner in the current year.

(iii) The pounds of quota reduced in the current year for a marketing quota violation in a prior year.

(iv) The previous year's effective farm marketing quota.

(v) The previous year's marketings.

(vi) The previous year's farm marketing quota.

(vii) The pounds of quota transferred to the farm by lease or by the owner in the previous year.

The portion of the forfeiting farm data which shall be included in a forfeiture pool for the county shall be determined by subtracting the pounds of each respective item of farm data which are

retained on the forfeiting farm from the pounds of the respective item of data which were established for the forfeiting farm before the forfeiture.

(2) *Forfeiture pool data.* The data for the forfeiture pool shall be added to any previous data in the forfeiture pool.

(3) *Quota after forfeiture.* After adjustment of data, the effective farm marketing quota shall be determined in accordance with the provisions of § 726.57 for the forfeiting farm.

(f) *Forfeiture pool—(1) Forfeiture pool required.* A forfeiture pool shall be established in each county in which a forfeiture of quota occurs. The forfeiture pool shall be increased to include data for each forfeiture and shall be decreased for each reallocation in order to reflect any forfeited or reallocated amounts of:

(i) The farm marketing quota for the current year.

(ii) The quota reduced for marketing quota violations.

(iii) The quota transferred from the forfeiting farm by lease or by the owner.

(iv) The previous year's effective farm marketing quota.

(v) The previous year's marketings.

(2) *Adjustment of data in forfeiture pool.* At the beginning of the current year, the data in the forfeiture pool shall be adjusted by the factor used in determining quotas for old farms. Quota data in the forfeiture pool shall be decreased each time any burley tobacco quota is reallocated from the forfeiture pool. Such decrease in the quota data will be made in the same proportion as the pounds of quota which are reallocated from the pool are to the pounds of quota which were in the pool before the reallocation.

(g) *Reallocation of quota from forfeiture pool—(1) Application.* In order to establish eligibility to receive quota from the forfeiture pool in the current year, an application must be made on a form approved by the Deputy Administrator. Such application must be filed:

(i) *Who may file.* By an active producer.

(ii) *When to file.* On or before April 30. *Provided,* That the State committee may establish an earlier date if notice of such earlier date is given in time for interested applicants to file an application by the earlier date.

(iii) *Where to file.* At the county ASCS office which serves the farm for which the application is filed.

(2) *Eligibility of applicant.* In order for an applicant to be eligible for quota from the forfeiture pool the county committee must determine that:

(i) The application was filed timely.

(ii) The applicant is an active tobacco producer.

(iii) During the current year or during the four years preceding the current year, the applicant has not sold or forfeited quota from any farm.

(3) *Time to reallocate.* The county committee shall:

(i) Not reallocate any quota from the forfeiture pool until the time has passed for filing an application for forfeited quota for the current year.

(ii) Reallocate any quota from the forfeiture pool only during the 30-day period beginning on the day after the final date for filing an application for quota from the forfeiture pool.

(4) *Reallocation by county committee.* Reallocation of any burley tobacco quota shall be made by the county committee. In making its determination of the amounts of quota to reallocate, the county committee may consider the size of the current quotas on the farms of the eligible applicants, the length of time the applicants have been farming tobacco, the type of farming done by the applicants (i.e., livestock, grain, or other commodities), previous leasing history of applicants, and such other factors which in the judgment of the county committee should be considered. A burley tobacco quota may be reallocated to a farm which currently does not have a burley tobacco quota. A factor shall not be used to reallocate quota between all eligible applicants.

(5) *Basis for reallocation from forfeiture pool.* Reallocation from the forfeiture pool shall be on the basis of pounds of farm marketing quota.

(6) *Amount of quota to reallocate.* The county committee may reallocate all or part of the quota in the forfeiture pool. The minimum and maximum amounts of quota which may be reallocated to an eligible applicant are:

(i) *Minimum.* The total amount of quota in the pool or 100 pounds, whichever is less.

(ii) *Maximum.* 500 pounds *Provided,* That not to exceed 1,500 pounds may be reallocated with State committee approval.

(7) *Data for receiving farm.* All quota data for the forfeiture pool shall be apportioned to the receiving farm in the proportion that the reallocated farm marketing quota is to the total farm marketing quota in the forfeiture pool before the reallocation. The data determined for the receiving farm in accordance with the provisions in this paragraph shall be added to any previous data for the receiving farm.

(8) *Quota for receiving farm.* After any adjustments which are made in accordance with the provisions of this

section, the effective farm marketing quota shall be determined for the receiving farm in accordance with the provisions of § 726.57.

(h) *Forfeiture of reallocated quota.* Any burly tobacco quota which is reallocated in accordance with the provisions of this section shall be forfeited if the applicant to whom the quota is reallocated fails to share in the risk of producing a crop of tobacco which is subject to such quota during any of the five years beginning with the crop year during which the quota is reallocated. The amount of farm marketing quota which must be forfeited shall be determined in the same manner which is specified in paragraph (c)(4) of this section with respect to the forfeiture of purchased quota. Any forfeiture of quota shall occur on December 1 of the year in which the applicant fails to share in the risk of production of tobacco which is produced subject to such quota: *Provided*, That while the failure to utilize a quota shall not subject the quota to forfeiture, the five year period which is specified in this paragraph shall be extended by a year for each year in which the allotment and quota is not utilized.

(i) *Successor-in-interest.* A successor-in-interest shall be subject to the provisions of this section in the same manner and to the same extent as would be applicable to the person whose interest has been assumed by such successor-in-interest.

(1) *New owner of farm.* The new owner of a farm on which a portion or all of the farm marketing quota for such farm was either purchased and/or was reallocated from forfeited quota shall become the successor-in-interest to the previous owner of the farm. However, if a farm is acquired by a new owner on or before June 30 of the current crop year and such owner would otherwise be required to sell or forfeit the farm marketing quota because in the preceding crop year the owner of such quota did not share in the risk of producing a crop of tobacco which was subject to such purchased or reallocated quota, the new owner may be considered the buyer of the quota instead of being considered as a successor-in-interest to the previous owner of the farm. However, the new owner must furnish to the county committee on or before June 30 of the current year a certification that such owner intends to become an active

burley tobacco producer. Any purchased or reallocated quota, which is acquired by a new owner who is considered to be the buyer of quota in accordance with the provisions of this paragraph, shall be subject to the same terms and conditions with respect to forfeiture which would be applicable if the new owner actually had purchased the quota at the time the farm was acquired.

(2) *Buyer no longer shares in risk of production.* The owner of a farm shall become the successor-in-interest to the buyer of burly tobacco quota which was transferred to a farm but which was not owned by such buyer if the buyer ceases to share in the risk of production of burley tobacco produced on the farm.

Authority: Secs. 301, 313, 314, 314A, 316B, 317, 372-375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 90 Stat. 210, 215, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended 65-66, as amended, 70 Stat. 206, 7 U.S.C. 1301, 1313, 1314, 1314-1, 1314b-2, 1314c, 1363, 1372-1375, 1377, 1378, Sec. 401, 63 Stat. 1054, as amended, 7 U.S.C. 1421.

Signed at Washington, D.C. on September 1, 1983.

Daniel G. Amstutz,
Acting Secretary.

(FR Doc. 83-24504 Filed 9-2-83; 12:03 pm)
BILLING CODE 3410-05-M

federal register

Thursday
September 8, 1983

Part VI

Department of Energy

Federal Energy Regulatory Commission

**Determinations by Jurisdictional Agencies
Under the Natural Gas Policy Act of
1978**

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Vol. 963]

Determinations by Jurisdictional
Agencies Under the Natural Gas Policy
Act of 1978

Issued: September 1, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease.
Section 107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED SEPTEMBER 1, 1983

VOLUME 963

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
WEST VIRGINIA DEPARTMENT OF MINES								
-COLUMBIA GAS TRANSMISSION CORP. RECEIVED: 08/16/83 JAT MV								
8350516		4708702117	108		A B JACKSON 801401	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350880		4704306722	108		A F CUMMINGS 805825	WEST VIRGINIA FIELD A	6.0	COLUMBIA GAS TRAN
8350568		4704308400	108		A I DOTSON - 803908	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350838		4707900878	108		A P ROBERTS 804122	WEST VIRGINIA FIELD A	5.0	COLUMBIA GAS TRAN
8350475		4705900323	108		A W BREWER - 800855	W VA FIELD AREA B	0.6	COLUMBIA GAS TRAN
8350539		4705900900	108		A W BREWER 800854	W VA FIELD AREA B	0.8	COLUMBIA GAS TRAN
8350487		4703902983	108		A W GRAHAM 801333	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350529		4708702327	108		A WALKER-800235	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350500		4703902984	108		ADAM B LITTLEPAGE 800477	WVA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350496		4703902985	108		ADAM B LITTLEPAGE 800565	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350840		4707900879	108		ADDISON WISEMAN - 804189	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350799		4704302088	108		ALBERT HODGES 805877	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350605		4704303177	108		ALBERT RICA 805995	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350807		4704301853	108		ALBERT RICE 805998	WVA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350712		4703900024	108		AMERICA SEARS - 804020	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350871		4704301855	108		ANDREW SPONAUGLE 805983	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350811		4704301856	108		ANDREW SPONAUGLE 805984	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350690		4701501505	108		ANNA B HICKS 820386	WEST VIRGINIA FIELD A	8.6	
8350461		4701500035	108		ANNA B HICKS 820387	WEST VIRGINIA FIELD A	8.6	
8350669		4701502091	108		ANNA B HICKS 820388	WEST VIRGINIA FIELD A	8.6	
8350434		4701502092	108		ANNA B HICKS 820392	WEST VIRGINIA FIELD A	8.6	
8350689		4701501255	108		ANNA B HICKS 820394	WEST VIRGINIA FIELD A	8.6	
8350928		4709900343	108		ANNIE PINSON ET AL 805466	WVA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350503		4704501020	108		ANTHONY LAWSON HEIRS - 809633	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350677		4701502046	108		B G S BUTLER 801247	WEST VIRGINIA FIELD A	8.6	
8350438		4701500112	108		B G S GEARY 801247	WEST VIRGINIA FIELD A	8.6	
8350439		4701500121	108		B G S GEARY 801252	WEST VIRGINIA FIELD A	8.6	
8350680		4701500125	108		B G S GEARY 801258	WEST VIRGINIA FIELD A	8.6	
8350679		4701500131	108		B G S GEARY 801265	WEST VIRGINIA FIELD A	8.6	
8350442		4701500195	108		B G S GEARY 801282	WEST VIRGINIA FIELD A	8.6	
8350443		4701500196	108		B G S GEARY 801284	WEST VIRGINIA FIELD A	8.6	
8350444		4701500199	108		B G S GEARY 801285	WEST VIRGINIA FIELD A	8.6	
8350445		4701500237	108		B G S GEARY 801297	WEST VIRGINIA FIELD A	8.6	
8350446		4701500265	108		B G S GEARY 801315	WEST VIRGINIA FIELD A	8.6	
8350448		4701500267	108		B G S GEARY 801316	WEST VIRGINIA FIELD A	8.6	
8350447		4701500279	108		B G S GEARY 801323	WEST VIRGINIA FIELD A	8.6	
8350449		4701500280	108		B G S GEARY 801324	WEST VIRGINIA FIELD A	8.6	
8350450		4701500297	108		B G S GEARY 801327	WEST VIRGINIA FIELD A	8.6	
8350692		4701502058	108		B G S GEARY 801349	WEST VIRGINIA FIELD A	8.6	
8350597		4701500396	108		B G S GEARY 801354	WEST VIRGINIA FIELD A	8.6	
8350600		4701502060	108		B G S GEARY 801570	WEST VIRGINIA FIELD A	8.6	
8350601		4701501856	108		B G S GEARY 801571	WEST VIRGINIA FIELD A	8.6	
8350592		4701501857	108		B G S GEARY 801606	WEST VIRGINIA FIELD A	8.6	
8350675		4701501858	108		B G S GEARY 801641	WEST VIRGINIA FIELD A	8.6	
8350642		4701502074	108		B G S GEARY 801871	WEST VIRGINIA FIELD A	8.6	

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8350641		4701502075	108	B	G S GEARY 801919	WEST VIRGINIA FIELD A	8.6	
8350649		4701502734	108	B	G S GEARY 802021	WEST VIRGINIA FIELD A	8.6	
8350636		4701502737	108	B	G S GEARY 802024	WEST VIRGINIA FIELD A	8.6	
8350637		4701502738	108	B	G S GEARY 802025	WEST VIRGINIA FIELD A	8.6	
8350633		4701502864	108	B	G S GEARY 802049	WEST VIRGINIA FIELD A	8.6	
8350634		4701502865	108	B	G S GEARY 802041	WEST VIRGINIA FIELD A	8.6	
8350702		4701502869	108	B	G S GEARY 802042	WEST VIRGINIA FIELD A	8.6	
8350701		4701502870	108	B	G S GEARY 802043	WEST VIRGINIA FIELD A	8.6	
8350700		4701502871	108	B	G S GEARY 802044	WEST VIRGINIA FIELD A	8.6	
8350685		4701502872	108	B	G S GEARY 802045	WEST VIRGINIA FIELD A	8.6	
8350684		4701502879	108	B	G S GEARY 802046	WEST VIRGINIA FIELD A	8.6	
8350704		4701502889	108	B	G S GEARY 802047	WEST VIRGINIA FIELD A	8.6	
8350644		4701502881	108	B	G S GEARY 802048	WEST VIRGINIA FIELD A	8.6	
8350705		4701502900	108	B	G S GEARY 802052	WEST VIRGINIA FIELD A	8.6	
8350640		4701502889	108	B	G S GEARY 802053	WEST VIRGINIA FIELD A	8.6	
8350639		4701502903	108	B	G S GEARY 802072	WEST VIRGINIA FIELD A	8.6	
8350648		4701502081	108	B	G S GEARY 803904	WEST VIRGINIA FIELD A	8.6	
8350634		4701502083	108	B	G S GEARY 803985	WEST VIRGINIA FIELD A	8.6	
8350703		4701500031	108	B	G S GEARY 804039	WEST VIRGINIA FIELD A	8.6	
8350674		4701502086	108	B	G S GEARY 804050	WEST VIRGINIA FIELD A	8.6	
8350667		4701502088	108	B	G S GEARY 804090	WEST VIRGINIA FIELD A	8.6	
8350668		4701502090	108	B	G S GEARY 804254	WEST VIRGINIA FIELD A	8.6	
8350655		4701500058	108	B	G S GEARY 804258	WEST VIRGINIA FIELD A	8.6	
8350651		4701500096	108	B	G S GEARY 804591	WEST VIRGINIA FIELD A	8.6	
8350646		4701501095	108	B	G S GEARY 820325	WEST VIRGINIA FIELD A	8.6	
8350463		4701501098	108	B	G S GEARY 820325	WEST VIRGINIA FIELD A	8.6	
8350599		4701501255	108	B	G S SENNETT 801565	WEST VIRGINIA FIELD A	8.6	
8350602		4701502061	108	B	G S SENNETT 801588	WEST VIRGINIA FIELD A	8.6	
8350435		4701502062	108	B	G S SENNETT 801601	WEST VIRGINIA FIELD A	8.6	
8350436		4701502063	108	B	G S SENNETT 801602	WEST VIRGINIA FIELD A	8.6	
8350440		4701502064	108	B	G S SENNETT 801604	WEST VIRGINIA FIELD A	8.6	
8350678		4701502065	108	B	G S SENNETT 801632	WEST VIRGINIA FIELD A	8.6	
8350695		4701502070	108	B	G S SENNETT 801767	WEST VIRGINIA FIELD A	8.6	
8350666		4701502089	108	B	G S SENNETT 804247	WEST VIRGINIA FIELD A	8.6	
8350877		4704301858	108	B	BETTY SMITH 806001	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350707		4703903122	108	B	BLUE CK COAL & LAND 803958	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350774		4703901059	108	B	BLUE CK COAL & LAND 805306	WEST VIRGINIA FIELD A	1.0	COLUMBIA GAS TRAN
8350540		4705900556	108	B	BURN CK MARBNE LD CO 800529	W VA FIELD AREA B	13.0	COLUMBIA GAS TRAN
8350926		4705900086	108	B	BURN CK MARBNE LD CO 805608	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350694		4701502071	108	B	BUTLER 801768	WEST VIRGINIA FIELD A	8.6	
8350652		4701502080	108	B	BUTLER 803865	WEST VIRGINIA FIELD A	8.6	
8350616		4704302092	108	C	A HOLDERBY - 802259	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350563		4704301861	108	C	E BIAS 802596	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350584		4704301862	108	C	K MADDOX 802530	W VA FIELD AREA B	0.5	COLUMBIA GAS TRAN
8350543		4704302093	108	C	M ADKINS 802426	W VA FIELD AREA B	0.8	COLUMBIA GAS TRAN
8350849		4704302032	108	C	M ADKINS 805930	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350578		4709901626	108	C	M FARLEY 803956	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350843		4709901644	108	C	M FARLEY 803957	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350878		4704302094	108	C	MIDKIFF 805895	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350540		4704301863	108	C	ROBERTS 802403	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350756		4704302096	108	C	CHAS BODTH - 802179	WVA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350557		4703901936	108	C	CINCO COAL CO 803919	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350528		4708702332	108	C	CO CANTERBURG ETAL 801219	W VA FIELD AREA A	0.8	COLUMBIA GAS TRAN
8350533		4700501194	108	C	COURTNEY CO - 801845	W VA FIELD AREA B	0.3	COLUMBIA GAS TRAN
8350892		4704300458	108	C	COURTNEY CO #11 805316	WEST VIRGINIA FIELD A	3.0	COLUMBIA GAS TRAN
8350893		4704300472	108	C	COURTNEY CO #12 805354	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350769		4700500633	108	C	COURTNEY CO #13 805373	WVA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350764		4700500634	108	C	COURTNEY CO #14 805374	WVA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350909		4704300521	108	C	COURTNEY CO #15 805467	WVA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350781		4704300522	108	C	COURTNEY CO #16 805468	WVA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350917		4704300547	108	C	COURTNEY CO #17 805510	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350898		4704300548	108	C	COURTNEY CO #18 805511	W VA FIELD AREA B	19.0	COLUMBIA GAS TRAN
8350891		4704300549	108	C	COURTNEY CO #19 805512	WVA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350532		4700500783	108	C	COURTNEY CO #2 801801	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350915		4704300550	108	C	COURTNEY CO #22 805515	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350914		4704300550	108	C	COURTNEY CO #24 805521	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350907		4704300557	108	C	COURTNEY CO #27 805528	W VA FIELD AREA B	19.0	COLUMBIA GAS TRAN
8350769		4700500678	108	C	COURTNEY CO #28 805529	WVA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350768		4700500679	108	C	COURTNEY CO #30 805530	WVA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350773		4704300566	108	C	COURTNEY CO #31 805531	W VA FIELD AREA B	12.0	COLUMBIA GAS TRAN
8350905		4704300640	108	C	COURTNEY CO NO 11 805293	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350509		4700501195	108	C	COURTNEY CO NO 801853	WVA FIELD AREA B	0.5	COLUMBIA GAS TRAN
8350749		4704300467	108	C	COURTNEY CO NO 805201	WVA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350731		4700500133	108	C	COURTNEY CO 804273	WVA FIELD AREA B	0.8	COLUMBIA GAS TRAN
8350732		4700500134	108	C	COURTNEY CO 804274	WEST VIRGINIA FIELD A	0.8	COLUMBIA GAS TRAN
8350875		4704301969	108	C	CYRUS YEAGER 805944	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350473		4705900901	108	D	F CASSADY 800098	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350501		4704302274	108	D	G COURTNEY - 800556	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350508		4700500774	108	D	G COURTNEY #3 801829	W VA FIELD AREA B	9.0	COLUMBIA GAS TRAN
8350545		4704301865	108	D	DAH BIAS 802597	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350567		4704300426	108	D	DELITA MULLINS 803907	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350480		4708702339	108	E	E E MAHAN - 800209	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350867		4704501021	108	E	J STONE 804493	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350722		4701100350	108	E	EA CHILDERS ETAL 804846	W VA FIELD AREA B	13.0	COLUMBIA GAS TRAN
8350882		4704302099	108	E	EDGAR SOWARDS 805922	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350757		4704302104	108	E	EDWARD SAMSON - 802263	WVA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350632		4704302100	108	E	EDWARD SAMSON 802129	WVA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350631		4704302102	108	E	EDWARD SAMSON 802188	WVA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350665		4704302103	108	E	EDWARD SAMSON-802262	WVA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350758		4704302105	108	E	EDWARD SAMSON-802267	WVA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350800		4704300699	108	E	ELIPHAS SPEARS 805789	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350713		4703900023	108	E	ELIZA BODKINS 804021	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350485		4703903124	108	E	ELK RIVER COAL CO 800284	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350483		4703903125	108	E	ELK RIVER COAL CO 800340	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350546		4704301870	108	E	EMILY S BIAS 802598	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350558		4703903517	108	E	ENOCH HUNTER 803917	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350741		4707900881	108	E	EVALINE JOHNSON 805164	WVA FIELD AREA A	7.0	COLUMBIA GAS TRAN
8350549		4704301872	108	F	M WICKERS 802407	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350517		4708702158	108	F	FLORENCE & MARK YOUNG 800023	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350502		4704501022	108	F	FLOYD & R J BUTCHER - 800643	WVA FIELD AREA B	0.1	COLUMBIA GAS TRAN
8350861		4707900882	108	F	FRANK HARDIN 804107	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350522		4708702341	108	G	A HARPER - 800236	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350901		4704300492	108	G	B ADKINS 805395	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350886		4704301972	108	G	S SITES 805941	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8350588		4704301973	108		G W GODFREY - 802253	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350518		4703702160	108		G W OSBORNE - 801400	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350579		4704301875	108		GEO & WALTER CHAMBERS 802430	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350794		4704301876	108		GEORGE NIDA 806048	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350858		4705900049	108		GEORGE STEPP ETAL 804865	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350623		4709901631	108		GUYAN LD ASSN - 802207	W VA FIELD AREA B	0.8	COLUMBIA GAS TRAN
8350621		4709901633	108		GUYAN LD ASSN - 802310	W VA FIELD AREA B	0.3	COLUMBIA GAS TRAN
8350605		4709901635	108		GUYAN LD ASSN - 802361	W VA FIELD AREA B	0.5	COLUMBIA GAS TRAN
8350604		4709901636	108		GUYAN LD ASSN - 802362	W VA FIELD AREA B	0.2	COLUMBIA GAS TRAN
8350627		4709901630	108		GUYAN LD ASSN 802136	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350588		4704301878	108		GUYAN LD ASSN 802372	WVA FIELD AREA B	9.0	COLUMBIA GAS TRAN
8350622		4709901638	108		GUYAN LD ASSN 802396	W VA FIELD AREA B	0.6	COLUMBIA GAS TRAN
8350573		4709901640	108		GUYAN LD ASSN 802556	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350574		4709901642	108		GUYAN LD ASSN 802558	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350575		4709901642	108		GUYAN LD ASSN 802560	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350577		4709901623	108		GUYAN LD ASSOC 802040	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350606		4709901627	108		GUYAN LD ASSOC 802071	W VA FIELD AREA B	0.7	COLUMBIA GAS TRAN
8350625		4709901628	108		GUYAN LD ASSOC 802098	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350619		4709901634	108		GUYAN LD ASSN - 802316	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350572		4709901639	108		GUYAN LD ASSN 802553	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350842		4709901667	108		H G & G CO MIN FEE 804367	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350862		4707900883	108		H HENSON 804126	WEST VA FIELD AREA A	7.0	COLUMBIA GAS TRAN
8350469		4708702145	108		H W SHARR - 800254	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350844		4709900228	108		HANEY BLANKENSHIP 804985	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350772		4704301858	108		HENRY LAKE 804050	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350804		4704301859	108		HENRY LAKE 804051	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350481		4705900006	108		HIRAM STEPP - 800327	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350520		4705900005	108		HIRAM STEPP #2 800409	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350536		4705900078	108		HORSE CK COAL LD 29 801867	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350754		4705900078	108		HORSE CK COAL LD 40 804072	WVA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350823		4705900590	108		HORSE CK COAL LD 58 805276	WEST VIRGINIA FIELD A	8.0	COLUMBIA GAS TRAN
8350822		4705900591	108		HORSE CK COAL LD 59 805277	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350763		4705900596	108		HORSE CK COAL LD 60 805292	WVA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350761		4705900608	108		HORSE CK COAL LD 61 805311	W VA FIELD AREA B	15.0	COLUMBIA GAS TRAN
8350766		4705900695	108		HORSE CK COAL LD 66 805556	WVA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350765		4705900697	108		HORSE CK COAL LD 67 805557	W VA FIELD AREA B	13.0	COLUMBIA GAS TRAN
8350746		4705900615	108		HORSE CK COAL LD 67 805557	W VA FIELD AREA B	13.0	COLUMBIA GAS TRAN
8350511		4705901199	108		HORSE CK COAL LD 801761	W VA FIELD AREA B	13.0	COLUMBIA GAS TRAN
8350537		4705901200	108		HORSE CK COAL LD 801866	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350510		4705901201	108		HORSE CK COAL LD 801866	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350935		4705901202	108		HORSE CK COAL LD 801866	W VA FIELD AREA B	0.6	COLUMBIA GAS TRAN
8350717		4705901203	108		HORSE CK COAL LD 801866	W VA FIELD AREA B	0.3	COLUMBIA GAS TRAN
8350718		4705900075	108		HORSE CK COAL LD 801868	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350730		4705900079	108		HORSE CK COAL LD 804049	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350825		4705900132	108		HORSE CK COAL LD 804071	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350820		4705900134	108		HORSE CK COAL LD 804272	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350819		4705900337	108		HORSE CK COAL LD 804624	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350826		4705900568	108		HORSE CK COAL LD 804680	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350734		4705900571	108		HORSE CK COAL LD 805203	W VA FIELD AREA B	13.0	COLUMBIA GAS TRAN
8350750		4705900410	108		HORSE CK COAL LD 805208	W VA FIELD AREA B	14.0	COLUMBIA GAS TRAN
8350762		4705900412	108		HORSE CK COAL LD 805209	WVA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350767		4705900715	108		HORSE CK COAL LD 805213	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350767		4705900715	108		HORSE CK COAL LD 805683	W VA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350846		4705900694	108		HORSE CK COAL LD 855 805555	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350538		4705900762	108		HORSE CK L & M CO 874 805871	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350772		4705900632	108		HORSE CK L & M CO 801927	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350705		4705900292	108		HORSE CREEK COAL LD 845 805485	WVA FIELD AREA B	12.0	COLUMBIA GAS TRAN
8350597		4705900631	108		HORSE CREEK COAL LD 804582	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350733		4705900890	108		HORSE CRK COAL LD 24-801806	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350477		4705900614	108		HORSE CRK COAL LD 41 804221	WVA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350531		4705901204	108		HORSE CRK COAL LD 801769	W VA FIELD AREA B	9.0	COLUMBIA GAS TRAN
8350908		4704300437	108		HUNT DEV & GAS CO - 805284	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350618		4709900423	108		HUNT DEV & GAS CO 802383	W VA FIELD AREA B	0.0	COLUMBIA GAS TRAN
8350746		4704300387	108		HUNT DEV & GAS CO 805080	WVA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350747		4704300401	108		HUNT DEV & GAS CO 805155	WVA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350755		4704300453	108		HUNT DEV & GAS CO 805219	WVA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350752		4704300419	108		HUNT DEV & GAS CO 805230	WVA FIELD AREA B	19.0	COLUMBIA GAS TRAN
8350751		4704300420	108		HUNT DEV & GAS CO 805231	WVA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350777		4704300438	108		HUNT DEV & GAS CO 805287	WVA FIELD AREA B	19.0	COLUMBIA GAS TRAN
8350918		4704300466	108		HUNT DEV & GAS CO 805344	W VA FIELD AREA B	15.0	COLUMBIA GAS TRAN
8350899		4704300470	108		HUNT DEV & GAS CO 805352	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350894		4704300475	108		HUNT DEV & GAS CO 805357	WVA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350783		4704300480	108		HUNT DEV & GAS CO 805387	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350789		4704300481	108		HUNT DEV & GAS CO 805388	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350771		4704300539	108		HUNT DEV & GAS CO 805389	WVA FIELD AREA B	0.9	COLUMBIA GAS TRAN
8350779		4704300495	108		HUNT DEV & GAS CO 805394	WVA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350890		4704300493	108		HUNT DEV & GAS CO 805396	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350899		4704300496	108		HUNT DEV & GAS CO 805397	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350916		4704300494	108		HUNT DEV & GAS CO 805421	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350935		4709900314	108		HUNT DEV & GAS CO 805437	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350904		4704300526	108		HUNT DEV & GAS CO 805488	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350734		4704300527	108		HUNT DEV & GAS CO 805492	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350933		4709900329	108		HUNT DEV & GAS CO 805493	W VA FIELD AREA B	16.0	COLUMBIA GAS TRAN
8350930		4709900332	108		HUNT DEV & GAS CO 805498	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350927		4709900334	108		HUNT DEV & GAS CO 805502	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350923		4704300624	108		HUNT DEV & GAS CO 805676	W VA FIELD AREA B	14.0	COLUMBIA GAS TRAN
8350896		4704300710	108		HUNT DEV & GAS CO 805722	WVA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350858		4704300611	108		HUNT DEV & GAS CO 805732	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350897		4704300581	108		HUNT DEV & GAS FEE 805588	WVA FIELD AREA B	12.0	COLUMBIA GAS TRAN
8350802		4709900428	108		HUNT DEV & GAS FEE 805773	W VA FIELD AREA B	9.0	COLUMBIA GAS TRAN
8350831		4709900448	108		HUNT DEV & GAS MIN 805543	W VA FIELD AREA B	18.0	COLUMBIA GAS TRAN
8350910		4704300582	108		HUNT DEV & GAS MIN 805544	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350785		4704300570	108		HUNT DEV & GAS MIN 805547	W VA FIELD AREA B	0.4	COLUMBIA GAS TRAN
8350940		4709900351	108		HUNT DEV & GAS MIN 805604	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350920		4704300593	108		HUNT DEV & GAS MIN 805605	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350898		4704300594	108		HUNT DEV & GAS MIN 805607	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350922		4704300605	108		HUNT DEV & GAS MIN 805625	W VA FIELD AREA B	14.0	COLUMBIA GAS TRAN
8350921		4704300607	108		HUNT DEV & GAS MIN 805626	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350919		4704300608	108		HUNT DEV & GAS MIN 805629	W VA FIELD AREA B	0.8	COLUMBIA GAS TRAN
8350936		4709900380	108		HUNT DEV & GAS MIN 805638	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350937		4709900381	108		HUNT DEV & GAS MIN 805640	W VA FIELD AREA B	19.0	COLUMBIA GAS TRAN
8350911		4704300690	108		HUNT DEV & GAS MIN 805643	WEST VIRGINIA FIELD A	5.0	COLUMBIA GAS TRAN
8350913		4704300691	108		HUNT DEV & GAS MIN 805644	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN

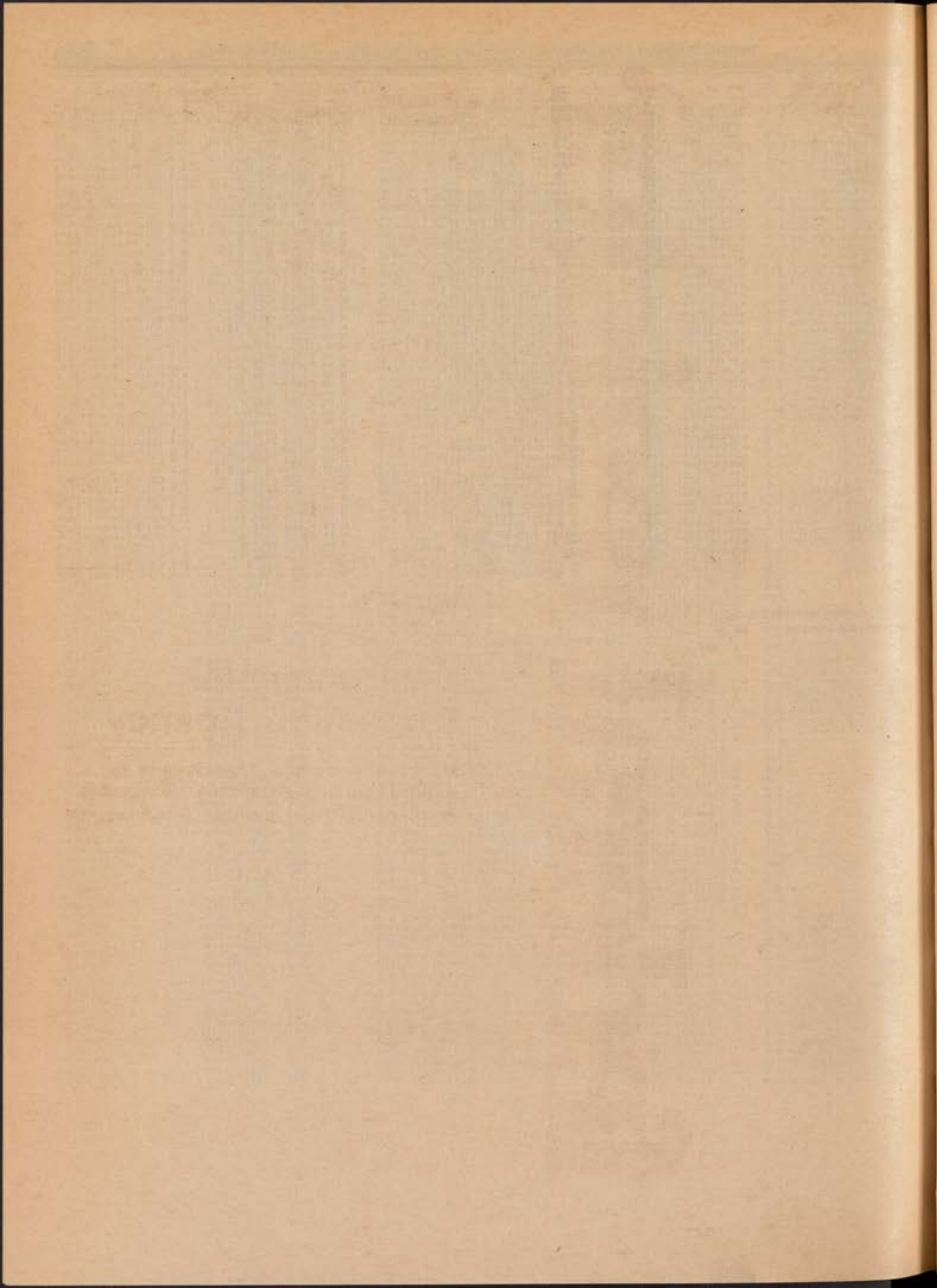
JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8350912		4704300615	108		HUNT DEV & GAS MIN 805658	W VA FIELD AREA B	0.5	COLUMBIA GAS TRAN
8350932		4704300636	108		HUNT DEV & GAS MIN 805669	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350904		4704300534	108		HUNT DEV & GAS MIN 805692	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350902		4704300636	108		HUNT DEV & GAS MIN 805693	WVA FIELD AREA B	0.6	COLUMBIA GAS TRAN
8350903		4704300631	108		HUNT DEV & GAS MIN 805694	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350782		4704300633	108		HUNT DEV & GAS MIN 805695	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350859		4704300640	108		HUNT DEV & GAS MIN 805696	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350869		4704300647	108		HUNT DEV & GAS MIN 805723	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350828		4709900391	108		HUNT DEV & GAS MIN 805736	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350829		4709900385	108		HUNT DEV & GAS MIN 805737	W VA FIELD AREA B	0.8	COLUMBIA GAS TRAN
8350891		4709900421	108		HUNT DEV & GAS MIN 805746	WVA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350837		4709900432	108		HUNT DEV & GAS MIN 805781	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350830		4709900449	108		HUNT DEV & GAS MIN 805822	WEST VIRGINIA FIELD A	8.0	COLUMBIA GAS TRAN
8350809		4704300560	108		HUNTON D & G CO MIN 805500	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350499		4703901880	108		I D & AL ROLLINS 800481	WEST VIRGINIA FIELD A	7.0	COLUMBIA GAS TRAN
8350863		4707900284	108		J A HODGE - 804120	W VA FIELD AREA A	13.0	COLUMBIA GAS TRAN
8350839		4707900328	108		J A JOHNSON 804137	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350436		4703903008	108		J A OSBORNE 801344	W VA FIELD AREA B	14.0	COLUMBIA GAS TRAN
8350918		4709900363	108		J B DAVIS 805542	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350617		4704301986	108		J B PULLEN - 802243	WVA FIELD AREA B	17.0	COLUMBIA GAS TRAN
8350630		4704300816	108		J B PULLEN - 802244	WEST VIRGINIA FIELD A	8.6	
8350467		4701502093	108		J BELCHER 820396	WEST VIRGINIA FIELD A	8.6	
8350457		4701502094	108		J BELCHER 820398	WEST VIRGINIA FIELD A	8.6	
8350459		4701502095	108		J BELCHER 820400	WEST VIRGINIA FIELD A	8.6	
8350460		4701502096	108		J BELCHER 820404	WEST VIRGINIA FIELD A	8.6	
8350653		4701502097	108		J BELCHER 820405	WEST VIRGINIA FIELD A	8.6	
8350652		4701502098	108		J BELCHER 820407	WEST VIRGINIA FIELD A	8.6	
8350542		4704301958	108		J C BRAGO 802423	W VA FIELD AREA B	0.4	COLUMBIA GAS TRAN
8350726		4703900058	108		J D CAMPBELL 804216	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350723		4703900059	108		J D CAMPBELL 804217	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350556		4703903159	108		J D TAYLOR 803708	W VA FIELD AREA A	0.9	COLUMBIA GAS TRAN
8350555		4703903160	108		J D TAYLOR 803723	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350564		4703903162	108		J F FRAZIER - 802084	W VA FIELD AREA B	0.0	COLUMBIA GAS TRAN
8350626		4709901644	108		J F GRAVES 804365	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350721		4704301892	108		J F TURLEY 804009	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350870		4708702186	108		G MALCOLM 802588	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350921		4708702349	108		J H COPEHAWER-800161	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350541		4704302043	108		J J SMITH 802420	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350864		4707900017	108		J L ASHWORTH 804178	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350479		4708702197	108		J M ARISTEAD 800010	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350789		4703903148	108		J M CYRUS 804110	WEST VIRGINIA FIELD A	8.0	COLUMBIA GAS TRAN
8350492		4703903132	108		J M STAUNTON 801257	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8350504		4708702351	108		J P YOUNG 801380	WEST VIRGINIA FIELD A	8.6	
8350647		4701501126	108		J PHILLIPS 820317	WEST VIRGINIA FIELD A	8.6	
8350441		4701501294	108		J PHILLIPS 820378	WEST VIRGINIA FIELD A	8.6	
8350464		4701500816	108		J PHILLIPS 820379	WEST VIRGINIA FIELD A	8.6	
8350465		4701500823	108		J PHILLIPS 820380	WEST VIRGINIA FIELD A	8.6	
8350466		4701501947	108		J PHILLIPS 820381	WEST VIRGINIA FIELD A	8.6	
8350467		4701501946	108		J PHILLIPS 820382	WEST VIRGINIA FIELD A	8.6	
8350593		4701501945	108		J PHILLIPS 820383	WEST VIRGINIA FIELD A	8.6	
8350458		4701500114	108		J PHILLIPS 820384	WEST VIRGINIA FIELD A	8.6	
8350688		4701501240	108		J PHILLIPS 820385	WEST VIRGINIA FIELD A	8.6	
8350472		4708702352	108		J R & M BRISSENDINE 800046	WVA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350743		4707900886	108		J R SWEETLAND 805172	W VA FIELD AREA A	15.0	COLUMBIA GAS TRAN
8350866		4707900836	108		J T YOUNG 80-4175	W VA FIELD AREA B	14.0	COLUMBIA GAS TRAN
8350845		4709900837	108		J W BLANKENSHIP 805810	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350728		4703903149	108		J W RUSSELL 804131	WEST VA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350808		4704301932	108		J W STRICKLER 805929	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350725		4703903150	108		J WALTER RUSSELL 804128	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350803		4704301893	108		JACKSON BURNS - 806055	W VA FIELD AREA A	0.5	COLUMBIA GAS TRAN
8350521		4705900902	108		JACOB BAACH - 800547	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350796		4704301894	108		JACOB SMITH 806013	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350790		4704301895	108		JACOB SMITH 806014	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350490		4703903119	108		JAMES JARRETT - 801382	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350560		4703903011	108		JAMES JARRETT 802509	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350788		4704301897	108		JAMES MOORE 806024	WEST VIRGINIA FIELD A	8.6	
8350638		4701501904	108		JAMES REED 803814	WEST VIRGINIA FIELD A	8.6	
8350595		4701502078	108		JAMES REED 803823	WEST VIRGINIA FIELD A	8.6	
8350685		4701501584	108		JAMES REED 803835	WEST VIRGINIA FIELD A	8.6	
8350681		4701501969	108		JAMES REED 803868	WEST VIRGINIA FIELD A	8.6	
8350657		4701500024	108		JAMES REED 804065	WEST VIRGINIA FIELD A	8.6	
8350649		4701501109	108		JAMES REED 803314	WEST VIRGINIA FIELD A	8.6	
8350648		4701501110	108		JAMES REED 803315	WEST VIRGINIA FIELD A	2.0	COLUMBIA GAS TRAN
8350497		4703903012	108		JAS A OSBORNE - 800584	WVA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350494		4703903014	108		JAS CAMPBELL 801188	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350590		4704302014	108		JAS R BRANCH 802152	W VA FIELD AREA B	17.0	COLUMBIA GAS TRAN
8350612		4704300551	108		JAS R BRANCH 802155	W VA FIELD AREA B	18.0	COLUMBIA GAS TRAN
8350613		4704301162	108		JENNIE JONES - 802119	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350614		4704300596	108		JENNIE JONES - 802120	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350514		4708702209	108		JND T CASEY 806022	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350505		4708702354	108		JOHN GOOD 800129	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350539		4704301995	108		JOHN PULLEN - 802282	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350587		4704301996	108		JOHN PULLEN - 802318	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350795		4704301898	108		JOHN WOODALL 806046	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350759		4704302017	108		L C L A 802113	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350887		4704301899	108		L C L A/WATSON 805999	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350744		4704301960	108		L R SWEETLD ETAL 802435	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350474		4705900904	108		L V SARTAIN - 800112	WVA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350742		4707900888	108		L W BECKETT 805183	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350753		4704300418	108		LEONIDAS HILL ETAL 805229	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350609		4704302067	108		LINCOLN LAND ASSN - 802270	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350582		4704302019	108		LINCOLN LAND ASSN 802440	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350580		4704301906	108		LINCOLN LAND ASSOC - 802431	WVA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350615		4704302048	108		LINCOLN LAND ASSOC 802401	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350558		4704302049	108		LINCOLN LAND ASSOC 802409	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350859		4704302068	108		LINCOLN LAND ASSOC 805938	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350879		4704302069	108		LINCOLN LAND ASSOC 805944	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350786		4704302070	108		LINCOLN LAND ASSOC 805962	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350883		4704300297	108		LINCOLN LAND ASSOC 805965	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350888		4704302072	108		LINCOLN LAND ASSOC 805968	WVA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350789		4704301907	108		LINCOLN LAND ASSOC 806010	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350855		4704300165	108		LOUIS B SWEETLAND 804612	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350856		4704302050	108		LOUISA ATKINS - 804426	W VA FIELD AREA B		

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8350515		4708702224	108		M F & F H OSBORNE 800051	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350596		4701500394	108		M L BROWN 801352	WEST VIRGINIA FIELD A	8.6	
8350432		4701501580	108		M L BROWN 801781	WEST VIRGINIA FIELD A	8.6	
8350433		4701501581	108		M L BROWN 801782	WEST VIRGINIA FIELD A	8.6	
8350551		4704302020	108		MARY A NIDA 802415	W VA FIELD AREA B	0.9	COLUMBIA GAS TRAN
8350530		4708901666	108		MARY A PHELPS - 800580	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350724		4703903151	108		MATTIE WISEMAN 804129	WEST VIRGINIA FIELD A	4.0	COLUMBIA GAS TRAN
8350729		4700501206	108		MOHLER LUMBER CO 801624	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350554		4704300164	108		MOHLER LUMBER CO 804610	W VA FIELD AREA B	13.0	COLUMBIA GAS TRAN
8350824		4708500509	108		MOHLER LUMBER CO 804617	W VA FIELD AREA B	13.0	COLUMBIA GAS TRAN
8350735		4700500310	108		MOHLER LUMBER CO 804618	WVA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350734		4703900234	108		MOHLER LUMBER CO 804640	WVA FIELD AREA B	16.0	COLUMBIA GAS TRAN
8350719		4700500321	108		MOHLER LUMBER CO 804642	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350714		4703900298	108		MOHLER LUMBER CO 804676	WEST VIRGINIA FIELD A	9.0	COLUMBIA GAS TRAN
8350720		4700500344	108		MOHLER LUMBER CO 804694	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350814		4703900962	108		MOHLER LUMBER CO 805135	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350748		4704300386	108		MOHLER LUMBER CO 805137	WVA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350821		4700500573	108		MOHLER LUMBER CO 805217	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350512		4700501207	108		MOHLER LUMBER CO 801683	W VA FIELD AREA B	0.5	COLUMBIA GAS TRAN
8350925		4709900364	108		N FORK COAL CO #1 805550	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350929		4709900405	108		N FORK COAL CO #2 805701	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350833		4709900435	108		N FORK COAL CO #4 805765	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350832		4709900446	108		N FORK COAL CO #6 805816	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350931		4709900406	108		N FORK COAL NO #3 805702	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350574		4709901645	108		NAHCY A ADKINS ETAL 802586	W VA FIELD AREA B	0.7	COLUMBIA GAS TRAN
8350493		4703903069	108		NELLIE B TOMPKINS - 800907	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350491		4703903070	108		NELLIE B TOMPKINS-801018	W VA FIELD AREA A	0.6	COLUMBIA GAS TRAN
8350857		4705900008	108		NELLIE B WILCOX 804265	W VA FIELD AREA B	14.0	COLUMBIA GAS TRAN
8350591		4704301945	108		NOAH TURLEY - 802680	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350706		4703903142	108		NUMA BLOCK COAL CO 803965	W VA FIELD AREA A	16.0	COLUMBIA GAS TRAN
8350716		4703903180	108		NUMA BLOCK COAL CO 803966	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350813		4703901008	108		NUMA BLOCK COAL CO 805221	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350569		4707900890	108		O A HARDIN 803754	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350547		4704301917	108		O C ROBERTS 802492	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350674		4701502067	108		O'DELL 801639	WEST VIRGINIA FIELD A	8.6	
8350697		4701502068	108		O'DELL 801684	WEST VIRGINIA FIELD A	8.6	
8350696		4701502069	108		O'DELL 801687	WEST VIRGINIA FIELD A	8.6	
8350430		4701502072	108		O'DELL 801771	WEST VIRGINIA FIELD A	8.6	
8350431		4701502073	108		O'DELL 801779	WEST VIRGINIA FIELD A	8.6	
8350683		4701502079	108		O'DELL 803864	WEST VIRGINIA FIELD A	8.6	
8350645		4701502084	108		O'DELL 804024	WEST VIRGINIA FIELD A	8.6	
8350525		4708702246	108		ORPHA NAYLOR-800260	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350611		4704302022	108		OSCAR FRANKLIN 802133	WVA FIELD AREA B	12.0	COLUMBIA GAS TRAN
8350873		4704301918	108		P A OXLEY 805980	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350797		4704301919	108		P A OXLEY 805981	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350471		4707900891	108		P H YOUNG - 801357	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350810		4704301920	108		P M MCGHEE 805988	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350462		4701500190	108		P M SUMMERS ET AL 801279	WEST VIRGINIA FIELD A	8.6	
8350693		4701500352	108		P M SUMMERS 801334	WEST VIRGINIA FIELD A	8.6	
8350691		4701500357	108		P M SUMMERS 801347	WEST VIRGINIA FIELD A	8.6	
8350598		4701502059	108		P M SUMMERS 801492	WEST VIRGINIA FIELD A	8.6	
8350437		4701501578	108		P M SUMMERS 801834	WEST VIRGINIA FIELD A	8.6	
8350635		4701501579	108		P M SUMMERS 801835	WEST VIRGINIA FIELD A	8.6	
8350698		4701501583	108		P M SUMMERS 801876	WEST VIRGINIA FIELD A	8.6	
8350594		4701502082	108		P M SUMMERS 803905	WEST VIRGINIA FIELD A	8.6	
8350643		4701502085	108		P M SUMMERS 804029	WEST VIRGINIA FIELD A	8.6	
8350654		4701502087	108		P M SUMMERS 804082	WEST VIRGINIA FIELD A	8.6	
8350547		4705901344	108		PAINT CK COAL & LAND #7 805874	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350775		4703901106	108		PAINT CK COAL & LAND 805369	WVA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350494		4705903071	108		PAINT CREEK COAL & LAND 800295	W VA FIELD AREA A	0.5	COLUMBIA GAS TRAN
8350859		4707900892	108		PETER MCCALLISTER 804138	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350812		4704301967	108		PHIL HAGER 805949	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350482		4703903034	108		PRINCE LAND CO 800583	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350559		4703903036	108		QUEEN LAND CO 802510	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350552		4704300378	108		R & ATTIE MILLER 802416	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350860		4707900893	108		R F CARPENTER 804146	W VA FIELD AREA A	12.0	COLUMBIA GAS TRAN
8350793		4704301923	108		R F MCCOLGIN 806025	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350673		4701501966	108		R P PARKER 820425	WEST VIRGINIA FIELD A	8.6	
8350451		4701501965	108		R P PARKER 820426	WEST VIRGINIA FIELD A	8.6	
8350452		4701502105	108		R P PARKER 820427	WEST VIRGINIA FIELD A	8.6	
8350453		4701502104	108		R P PARKER 820428	WEST VIRGINIA FIELD A	8.6	
8350455		4701502105	108		R P PARKER 820429	WEST VIRGINIA FIELD A	8.6	
8350454		4701501967	108		R P PARKER 820430	WEST VIRGINIA FIELD A	8.6	
8350456		4701501968	108		R P PARKER 820431	WEST VIRGINIA FIELD A	8.6	
8350629		4701502106	108		R P PARKER 820432	WEST VIRGINIA FIELD A	8.6	
8350670		4701501964	108		R S KYLE (EAST) 820421	WEST VIRGINIA FIELD A	8.6	
8350671		4701502101	108		R S KYLE (EAST) 820423	WEST VIRGINIA FIELD A	8.6	
8350672		4701502102	108		R S KYLE (EAST) 820424	WEST VIRGINIA FIELD A	8.6	
8350673		4701501133	108		R S KYLE (WEST) 820509	WEST VIRGINIA FIELD A	8.6	
8350650		4701501345	108		R S KYLE (WEST) 820408	WEST VIRGINIA FIELD A	8.6	
8350659		4701502099	108		R S KYLE (WEST) 820411	WEST VIRGINIA FIELD A	8.6	
8350640		4701501859	108		R S KYLE (WEST) 820412	WEST VIRGINIA FIELD A	8.6	
8350641		4701501852	108		R S KYLE (WEST) 820413	WEST VIRGINIA FIELD A	8.6	
8350642		4701501853	108		R S KYLE (WEST) 820414	WEST VIRGINIA FIELD A	8.6	
8350643		4701502100	108		R S KYLE (WEST) 820416	WEST VIRGINIA FIELD A	8.6	
8350644		4701500423	108		R S KYLE (WEST) 820417	WEST VIRGINIA FIELD A	8.6	
8350506		4708702369	108		R W DONGHOE - 800190	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350554		4701501593	108		RALPH SMITH HRS 802527	W VA FIELD AREA A	0.0	COLUMBIA GAS TRAN
8350519		4708702372	108		ROBERT HARPER-800654	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350551		4703903144	108		ROBERTSON & TAYLOR 801535	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350495		4703903073	108		ROBSON & PRITCHARD - 801092	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350816		4703901027	108		ROBSON & PRITCHARD 5 805278	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350565		4704300424	108		S A EGNOR 803897	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350570		4708702255	108		S A HILL 803928	WVA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350874		4704301925	108		S B HALL 804003	W VA FIELD AREA B	0.9	COLUMBIA GAS TRAN
8350715		4703900183	108		S L CASEY ETAL 804568	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350524		4708702259	108		S L CASEY 800019	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350533		4704302055	108		S W OXLEY 802441	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350727		4703903152	108		SAMUEL CASDORPH 804124	W VA FIELD AREA A	9.0	COLUMBIA GAS TRAN
8350553		4701100595	108		SARAH A BERRY 803941	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350478		4708702374	108		SARAH F TAYLOR 801057	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350841		4708900095	108		SARAH SANSCH ETAL 804682	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350831		4704302077	108		SIAS YAEGER 805945	WEST VIRGINIA FIELD A	5.0	COLUMBIA GAS TRAN
8350605		4709901647	108		SPRY FARM 802380	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8350489		4703903047	108		STEPHEN TAYLOR 801351	WVA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350773		4704300700	108		SUSAN R SPEARS - 805790	WVA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350513		4700500781	108		T J PRICE - 801662	WVA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350818		4700500570	108		T J PRICE 805204	WEST VIRGINIA FIELD A	10.0	COLUMBIA GAS TRAN
8350817		4700500572	108		T J PRICE 805212	WVA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350775		4703901114	108		TCO FEE TR 44 805423	WVA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350776		4703901149	108		TCO FEE TR 45 805501	WVA FIELD AREA A	14.0	COLUMBIA GAS TRAN
8350498		4703903417	108		TCO FEE 800661	WVA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350815		4703901015	108		TCO FEE 805237	WVA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350759		4709901649	108		TCO MIN TR 81 802139	WVA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350620		4709901439	108		TCO MIN TR 81 802358	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350607		4709900035	108		TCO MIN TR 81 802376	WVA FIELD AREA B	9.0	COLUMBIA GAS TRAN
8350778		4704300673	108		TCO MIN TR 81 805687	WVA FIELD AREA B	12.0	COLUMBIA GAS TRAN
8350939		4709900483	108		TCO MIN TR 81 805706	WVA FIELD AREA B	16.0	COLUMBIA GAS TRAN
8350806		4704302078	108		TCO MIN TR 81 805969	WVA FIELD AREA B	0.6	COLUMBIA GAS TRAN
8350816		4709900476	108		TCO MIN TR 81 806027	WVA FIELD AREA B	0.0	COLUMBIA GAS TRAN
8350835		4709900476	108		TCO MIN TR 81 806058	WVA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350634		4709900478	108		TCO MIN TR 81 806068	WVA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350610		4704300297	108		TCO MIN TR 811 - 802260	WVA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350885		4704302333	108		TCO MIN TR 819 805950	WVA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350827		4709900392	108		TCO MIN TR 86 805758	WVA FIELD AREA B	0.8	COLUMBIA GAS TRAN
8350745		4704302029	108		TCO MIN TR 97 - 802163	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350608		4704301865	108		TCO MIN TR 97 802392	WVA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350876		4704302081	108		TCO MIN TR 97 805947	WEST VIRGINIA FIELD A	10.0	COLUMBIA GAS TRAN
8350884		4704302082	108		TCO MIN TR 97 805948	WVA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350740		4709901648	108		TCO MIN TR NO 1 802099	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350924		4709900471	108		TCO MINE TR 81 805677	WVA FIELD AREA B	0.3	COLUMBIA GAS TRAN
8350581		4704301928	108		TENNA HUFFMAN 802438	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350544		4704301947	108		V P MCMILLAN 802427	WVA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350470		4705702271	108		W A GEARY 800005	WVA FIELD AREA A	0.8	COLUMBIA GAS TRAN
8350865		4707900102	108		W A MCMACK 805012	WVA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350458		4703903051	108		W C THOMPSON - 801346	WVA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350624		4709901650	108		W E JONES - 802202	WVA FIELD AREA A	0.6	COLUMBIA GAS TRAN
8350851		4704302059	108		W F BLACK 804936	WVA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350852		4704302060	108		W F BLACK 804937	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350848		4704300319	108		W G ADKINS 805929	WVA FIELD AREA B	14.0	COLUMBIA GAS TRAN
8350711		4703903153	108		W H TOMPKINS 804119	WEST VIRGINIA FIELD A	6.0	COLUMBIA GAS TRAN
8350585		4704301949	108		W H TURLEY ETUX 802519	WVA FIELD AREA B	0.9	COLUMBIA GAS TRAN
8350629		4701502107	108		W HIVELY 802434	WEST VIRGINIA FIELD A	8.6	
8350787		4704301938	108		W J ASHWORTH 806022	WVA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350542		4703903145	108		W J PA WERSON - 801472	WVA FIELD AREA A	0.3	COLUMBIA GAS TRAN
8350710		4703903154	108		W P BRIGHTWELL 894113	WVA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350526		4708702384	108		W S LEWIS 800029	WVA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350527		4708702385	108		W T SMITH 800232	WVA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350853		4704301934	108		W W RAY 804960	WVA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350565		4704301935	108		WILEY & THOMPSON 803946	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350672		4704301936	108		WM BROWNING 806008	WVA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350791		4704301938	108		WM BROWNING 806019	WVA FIELD AREA B	0.4	COLUMBIA GAS TRAN
8350738		4709901651	108		Z A SKEEN - 802116	WVA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350737		4709901652	108		Z A SKEENS-802159	WVA FIELD AREA B	4.0	COLUMBIA GAS TRAN

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Thursday
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Part VII

Environmental Protection Agency

**Final and Proposed Amendments to
National Oil and Hazardous Substances
Contingency Plan; National Priorities List**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[SWER-FRL 2421-1]

Amendment to National Oil and Hazardous Substance Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency ("EPA") is amending the National Oil and Hazardous Substances Contingency Plan ("NCP"), which was promulgated on July 16, 1982, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") and Executive Order 12316. This amendment supplements the NCP with the National Priorities List ("NPL"), which will become Appendix B of the NCP. CERCLA requires that the NCP include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, and contaminants throughout the United States, and that the list be revised at least annually. The NPL constitutes this list.

DATES: The promulgation date for this amendment to the NCP shall be September 8, 1983. Under section 305 of CERCLA, amendments to the NCP cannot take effect until Congress has had at least 60 "calendar days of continuous session" from the date of promulgation in which to review the amended Plan. Since the actual length of this review period may be affected by Congressional action, it is not possible at this time to specify a date on which the NPL will become effective. Therefore, EPA will publish a Federal Register notice at the end of the review period announcing the effective date of this NPL. EPA notes, however, that the legal effect of a Congressional veto pursuant to section 305 has been placed in question by the recent decision, *Immigration and Naturalization Service v. Chadha*, — U.S. —, (Docket No. 80-1832, decided June 23, 1983). Nonetheless, the Agency has decided, as a matter of policy, to submit the NPL for Congressional review.

ADDRESSES: The public docket for the NCP will contain Hazard Ranking System (HRS) score sheets for all sites on the NPL, as well as a "Documentation Record" for each site, describing the information used to compute the scores. The main docket is located in Room S325 of Waterside Mall,

401 M Street, S.W., Washington D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for copies of these documents should be directed to EPA at the above address. The EPA Regional Offices maintain dockets concerning the sites located in their Regions. Addresses for the Regional Office dockets are:

Jennifer Arns, Region I, U.S. EPA Library, John F. Kennedy Federal Bldg., Boston, MA 02203, 617/223-5781
Audrey Thomas, Region II, U.S. EPA Library, 28 Federal Plaza, 10th Floor, New York, NY 10278, 212/264-2881
Diane McCreary, Region III, U.S. EPA Library, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, 215/597-0580
Carolyn Mitchell, Region IV, U.S. EPA Library, 345 Courtland Street NE, Atlanta, GA 30365, 404/257-4216
Lou Tilly, Region V, U.S. EPA Library, 230 South Dearborn Street, Chicago, IL 60604, 512/353-2022
Nita House, Region VI, U.S. EPA Library, First International Building, 1201 Elm Street, Dallas, TX 75270, 214/767-7341
Connie McKenzie, Region VII, U.S. EPA Library, 324 East 11th Street, Kansas City, MO 64106, 816/374-3497
Delores Eddy, Region VIII, U.S. EPA Library, 1860 Lincoln Street, Denver, CO 80295, 303/837-2560
Jean Ciriello, Region IX, U.S. EPA Library, 215 Fremont Street, San Francisco, CA 94105, 415/974-8076
Julie Sears, Region X, U.S. EPA Library, 1200 8th Avenue, Seattle, WA 98101, 206/442-1289.

FOR FURTHER INFORMATION CONTACT: Stephen M. Caldwell, Hazardous Site Control Division, Office of Emergency and Remedial Response (WH-548-E), Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460, Phone (800) 424-9346 or 382-3000 in the Washington, D.C., metropolitan area).

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I. Introduction

Pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980, 42 U.S.C. 9601-9657 ("CERCLA" or "the Act"), and Executive Order 12316 (46 FR 42237, August 20, 1981), the Environmental Protection Agency ("EPA" or "the Agency") promulgated the revised National Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180). Those amendments to the NCP implement the new responsibilities and authorities created by CERCLA to respond to releases and threatened releases of hazardous substances, pollutants, and contaminants.

Section 105(8)(A) of CERCLA requires that the NCP include criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Removal action involves cleanup or other actions that are taken in response to emergency conditions or on a short-term or temporary basis (CERCLA Section 101(23)). Remedial action tends to be long-term in nature and involves response actions which are consistent with permanent remedy for a release (CERCLA Section 101(24)). Criteria for determining priorities are included in the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of the NCP (47 FR 31219, July 16, 1982).

Section 105(8)(B) of CERCLA requires that these criteria be used to prepare a list of national priorities among the known releases or threatened releases throughout the United States, and that to the extent practicable at least 400 sites be designated individually. EPA has included releases on the NPL where CERCLA authorizes Federal response to the release. Under section 104(a) of CERCLA, this response authority is quite broad and extends to releases or threatened releases not only of designated hazardous substances, but of any "pollutant or contaminant" which presents an imminent and substantial danger to the public health or welfare. CERCLA requires that this National Priorities List ("NPL") be included as part of the NCP. Today, the Agency is amending the NCP by adding the NPL as Appendix B. The discussion below may refer to "releases or threatened releases" simply as "releases," "facilities," or "sites."

II. Purpose of the NPL

The primary purpose of the NPL is stated in the legislative history of CERCLA (Report of the Committee on Environment and Public Works, Senate

Report No. 96-848, 96th Cong., 2d. Sess. 60 (1980)):

The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

The purpose of the NPL, therefore, is primarily to serve as an informational tool for use by EPA in identifying sites that appear to present a significant risk to public health or the environment. The initial identification of a site in the NPL is intended primarily to guide EPA in determining which sites warrant further investigation designed to assess the nature and extent of the public health and environmental risks associated with the site and to determine what response action, if any, may be appropriate. Inclusion of a site on the NPL does not establish that EPA necessarily will undertake response actions. Moreover, listing does not require any action of any private party, nor does it determine the liability of any party for the cost of cleanup at the site.

In addition, although the HRS scores used to place sites on the NPL may be helpful to the Agency in determining priorities for cleanup and other response activities among sites on the NPL, EPA does not rely on the scores as the sole means of determining such priorities, as discussed below. Neither can the HRS itself determine the appropriate remedy for a site. The information collected to develop HRS scores to choose sites for the NPL is not sufficient in itself to determine the appropriate remedy for a particular site. After a site has been included on the NPL, EPA generally will rely on further, more detailed studies conducted at the site to determine what response, if any, is appropriate. Decisions on the type and extent of action to be taken at these sites are made in accordance with the criteria contained in Subpart F of the NCP. After conducting these additional studies EPA may conclude that it is not feasible to conduct response action at some sites on the NPL because of more pressing needs at other sites. Given the limited resources available in the Hazardous Substance Response Fund, the Agency must carefully balance the relative needs for response at the numerous sites it has studied. It is also possible that EPA will conclude after further analysis

that no action is needed at the site because the site does not present a problem.

III. Implementation

EPA's policy is to pursue cleanup of hazardous waste sites using all appropriate response and/or enforcement actions which are available to the Agency. Publication of sites on the final NPL will serve as notice to any potentially responsible party that the Agency may initiate Fund-financed response action. The Agency will decide on a site-by-site basis whether to take enforcement action or to proceed directly with Fund-financed response actions and seek recovery of response costs after cleanup. To the extent feasible, once sites are listed on the NPL, EPA will determine high priority candidates for Fund-financed response action and enforcement action through State or Federal initiative. The determinations will take into account consideration of which approach is more likely to accomplish cleanup of the site while using the Fund's limited resources as efficiently as possible.

In many situations, it is difficult to determine whether private party response through enforcement measures or Fund-financed response and cost recovery will be the more effective approach in securing site cleanup until studies have been completed indicating the extent of the problem and alternative response actions. Accordingly, the Agency plans to proceed with remedial investigations and feasibility studies at sites as quickly as possible. (See the NCP, 40 CFR 300.68, and the preamble, 47 FR 31180, July 16, 1982, for a more detailed discussion of remedial investigations and feasibility studies.)

Funding of response actions for sites will not necessarily take place in order of the sites' ranking on the NPL. EPA does intend in most cases to set priorities for remedial investigations and feasibility studies largely on the basis of HRS scores and the States' priorities simply because at this early stage these may be the only sources of information regarding the risk presented by a site. Funding for the design and construction of remedial measures is less likely, however, to occur in order of HRS score. State assurance that cost sharing and other State responsibilities will be met are prerequisites for construction of remedial measures. Taking those factors into account, priorities for design and construction will be based on impacts on public health and the environment, as indicated by the HRS scores and other available information, and on a case-by-case evaluation of economic,

engineering, and environmental considerations.

The NPL does not determine priorities for removal actions; EPA may take removal actions at any site, whether listed or not, that meets the criteria of sections 300.65-67 of the NCP. Likewise, EPA may take enforcement actions under applicable statutes against responsible parties regardless of whether the site is listed on the NPL.

IV. Process for Establishing the NPL

Section 105(8) of CERCLA contemplates that the bulk of the initial identification of sites for the NPL will be done by the States according to EPA criteria, although EPA also has independent authority to consider sites for listing. For that reason, most of the sites on the NPL were evaluated by the States in accordance with the HRS and submitted to EPA. In some cases, however, EPA Regional Offices also scored sites using the HRS. For all sites considered, EPA reviewed the HRS evaluations and conducted quality assurance audits on a sample of the sites submitted for the NPL. The purpose of these audits was to ensure accuracy and consistency in HRS scoring among the various EPA and States offices.

On December 30, 1982, the proposed list of 418 sites was published in the *Federal Register*. The 418 sites consisted of any site specifically designated by a State as its top priority, and all sites receiving HRS scores of 28.50 or higher. This cutoff score was selected because it would yield an initial NPL of at least 400 sites as suggested by CERCLA, not because of any determination that it represented a threshold in the significance of the risks presented by sites. On March 4, 1983, the Agency also proposed to include the Times Beach, Missouri, site on the NPL, and has considered comments on that site along with those for the other 418 sites. Based on the comments received on the proposed sites, as well as further investigation by EPA and the States, EPA recalculated the HRS scores for individual sites where appropriate. EPA's response to public comments, and an explanation of any score changes made as a result of such comments, are addressed on the NPL in the "Support Document for the National Priorities List." This document is available in the EPA dockets in Washington, D.C. and the Regional Offices.

Some commenters stated that certain specific sites that EPA did not consider in developing the proposed NPL merit inclusion on the NPL. In most such cases EPA did not have sufficient data to score the sites using the HRS. EPA and

the States are in the process of investigating and evaluating those sites, and will propose to include any sites that meet EPA's criteria for listing on the NPL in future updates. In addition, some commenters submitted comments or information supporting the inclusion of sites that EPA had evaluated according to the HRS but had not proposed because the sites scored too low. The Agency is considering those comments, and where new information results in raising the HRS score of a site over 28.50, will propose to include the site on the NPL in a future update.

The Agency considered accepting further comment on the final NPL sites for a second 60 day period following proposal of the first NPL update. This option was considered in order to be as responsive as possible to the concerns of a few commenters who had requested extensions of the original comment period. In fact, in an exercise of its discretion, EPA was able to consider practically all late comments, and believes that this more than adequately accommodated the concerns of the few commenters who had requested more time. Accordingly, EPA has determined that the NPL can now be published in final form and that a second opportunity for comment is not necessary.

V. Contents of the NPL

As noted above, CERCLA requires that the NPL include, if practicable, at least 400 sites. The NPL established today contains 406 individual entries. The December proposal was based on a minimum HRS score of 28.50, and EPA is continuing to use the same minimum score as the basis for including sites on the final NPL. Each entry on the NPL contains the name of the facility, the State and city or county in which it is located, and the corresponding EPA Region. For informational purposes, each entry on the NPL is accompanied by a notation on the current status of response and enforcement activities at the site, as described more fully below.

The sites on the NPL are listed in order of their HRS scores (except where EPA modified the order to reflect top priorities designated by States, as discussed in the following paragraph). The list is presented in groups of 50 sites. EPA has grouped the sites in this manner to emphasize the fact that minor differences in HRS scores do not necessarily represent significantly different levels of risk. Within these groups EPA will consider the sites to have approximately the same priority for response actions.

Section 105(8)(B) of CERCLA requires that, to the extent practicable, the NPL include within the 100 highest priorities

at least one facility designated by each State as representing the greatest danger to public health, welfare, or the environment among known facilities in the State. For that reason, EPA included within the 100 highest priority sites each site designated by a State as its top priority. The Agency did not require States to rely exclusively on the HRS in designating their top priority sites, and certain of the sites designated by the States as their top priority were not among the one hundred highest sites accordingly to HRS score. These lower scoring State priority sites are listed at the bottom of the group of 100 highest priority sites. All top priority sites designated by States are indicated by asterisks.

One commenter said that the HRS scores do not represent levels of risk with sufficient precision to allow the Agency to array sites on the NPL sequentially by score. The commenter contended that EPA could not properly distinguish on the basis of score between the risks posed by two sites whose HRS scores differed only slightly. This commenter recommended, therefore, that EPA list sites on the NPL in two groups: The first group would consist of the top 100 sites, while the second would be comprised of all the remaining sites. Both groups would be organized alphabetically by EPA Region.

EPA has decided to list sites sequentially by score because it wants the presentation of the NPL to be simple and easily understood, and because it believes that, at a minimum, large differences in HRS scores between sites can be a meaningful indicator of different levels of risk. Based on its experience with the Interim Priorities List, which was prepared before the formal NPL process began, as well as with the proposed NPL, EPA has found that the public wants to know the relative HRS scores of sites. As EPA discovered with the Interim Priorities List, when sites are listed alphabetically or by some other non-sequential manner the public is still likely to assume that the sites presented high on the list are those presenting the greatest risk to public health. Thus, listing sites other than by scores could result in confusion.

Even if the Agency were to list sites on the NPL on a non-sequential basis, public concern about the relative scores could soon cause the media or members of the public to obtain the HRS scores and compile a list presented sequentially by score. A large number of people requesting copies of the proposed NPL list preferred to receive the list presented sequentially by score.

While EPA agrees that the HRS scoring system is not so precise as to

accurately distinguish between the risks presented by two sites whose scores are very close, it was not designed to do so and the Agency has not relied upon it on that basis. The HRS had to be designed for application to a wide variety of sites and to sites where expensive, detailed data on all relevant characteristics are not available; consequently, the HRS can only roughly approximate the risk presented by the various sites. For that reason, presenting the NPL sites sequentially by score simply reports the numerical results of applying this system for approximating risk and does not represent a determination by EPA that any particular site on the NPL necessarily presents a greater risk than all sites listed below or a lesser risk than all sites listed above. EPA is confident, however, that the HRS is an effective tool for approximating risk and that differences of more than a few points in score generally are meaningful in discriminating between sites. For this reason also, therefore, EPA has chosen to list sites sequentially by score to avoid the misapprehension that all sites on the list present an equivalent level of risk even when separated by twenty or thirty points in score.

EPA will continue, whenever possible, to accompany the presentation of the NPL with the caveat that minor differences in score may not be meaningful, and that therefore a given site may not necessarily be "worse" than the site or sites immediately following.

Another commenter recommended establishing a dual list, so that the second list could indicate those sites at which substantial progress in cleanup is being made. The Agency believes that the effort involved in establishing a second list would not be justified. In order to develop a dual list the Agency would have to determine what constitutes "substantial progress" and develop the criteria for making such a determination. This would also require EPA to conduct extensive engineering and environmental studies of all sites at which cleanup is being done before each publication or update of the NPL. In addition, such a list could result in undue emphasis on partial solutions being implemented at a site rather than on the completion of cleanup to minimize the risks to the public and the environment. Rather than taking the resource-intensive approach suggested, EPA has included in the NPL a notation for each site that summarizes the status of action at the site, based on simple, easily verifiable criteria. Where private parties are taking response actions pursuant to a formal agreement with

EPA, the status of the site is described by notation as "Voluntary or Negotiated Response." EPA also intends to delete sites from the NPL when cleanup has been completed.

The Agency has included in the NPL for informational purposes several such categories of notation reflecting the current status of response and enforcement actions at sites. It should be noted that these notations are based on the Agency's most current information. Because a site's status may change periodically, these notations may become outdated. Site status will be noted in the following categories: Voluntary or Negotiated Response (V); Federal and State Response (R); Federal or State Enforcement (E); and Actions to be Determined (D). Each category is explained below.

Voluntary or Negotiated Response. Sites are included in this category if private parties are taking response actions pursuant to a consent order or agreement to which EPA is a party. Voluntary or negotiated cleanup may include actions taken pursuant to consent orders reached after EPA has commenced an enforcement action. This category of response may include remedial investigations, feasibility studies, and other preliminary work, as well as actual cleanup.

Several commenters were concerned that this category did not adequately reflect voluntary response efforts undertaken without formal agreements with EPA. However, EPA studies have shown that many of the response actions undertaken by private parties outside the sanction of EPA consent agreements have not been successful. Furthermore, some private parties have represented routine maintenance or waste management activities as response actions, thereby leading to the conclusion that only after a thorough technical review can the Agency describe actions by private parties as "responses". Thus, EPA believes that to describe actions taken outside consent orders as "response" would in many instances be misleading to the public as EPA cannot assure the public that the actions are appropriate, adequate, consistent with the NCP, and are being fully implemented. Therefore, the Agency encourages any responsible parties who are undertaking voluntary response actions at NPL sites to contact the Agency to negotiate consent agreements.

This is not intended to preclude responsible parties from taking voluntary response actions outside of a consent agreement. However, in order for the site to be deleted or to be noted in the voluntary or negotiated response

category, EPA must still sanction the completed cleanup. If the remedial action is not fully implemented or is not consistent with the NCP, the responsible party may be subject to an enforcement action. Therefore, most responsible parties may find it in their best interest to negotiate a consent agreement.

Federal and State Response. The Federal and State Response category includes sites at which EPA or State agencies have commenced or completed removal or remedial actions under CERCLA, including remedial investigations and feasibility studies (see NCP, § 300.68 (f)-(i), 47 FR 31217, July 16, 1982). For purposes of this categorization, EPA considers the response action to have commenced when EPA has obligated funds. For some of the sites in this category EPA may follow remedial investigations and feasibility studies with enforcement actions, at which time the site status would change to "Federal or State Enforcement."

Federal or State Enforcement. This category includes sites where the United States or the State has filed a civil complaint or issued an administrative order. It also includes sites at which a Federal or State court has mandated some form of non-consensual response action following a judicial proceeding. It may not, however, include all sites at which preliminary enforcement activities are underway. A number of sites on the NPL are the subject of enforcement investigation or have been formally referred to the Department of Justice for enforcement action. EPA's policy is not to release information concerning a possible enforcement action until a lawsuit has been filed. Accordingly, these sites have not been included in the enforcement category.

Actions To Be Determined. This category includes all sites not listed in any other category. A wide range of activities may be in progress for sites in this category. The Agency may be considering whether to undertake response action, or may be conducting an enforcement investigation. EPA may have referred a case involving the site to the Department of Justice, prior to formal commencement of enforcement action. Investigations may be underway or needed to determine the source of a release in areas adjacent to or near a Federal facility. Responsible parties may be undertaking cleanup operations that are not covered by consent orders, or corrective action may not be occurring yet.

VI. Eligibility

CERCLA restricts EPA's authority to respond to the release of certain

substances into the environment, and explicitly excludes some substances from the definition of release. In addition, as a matter of policy, EPA may choose not to respond to certain types of releases under CERCLA because existing regulatory or other authority under other Federal statutes provides for an appropriate response. Where these other authorities exist, and the Federal government can undertake or enforce cleanup pursuant to a particular, proven program, listing on the NPL to determine the priority or need for response under CERCLA does not appear to be appropriate. EPA has therefore chosen not to consider certain types of sites for inclusion on the NPL even though authority to respond to them may exist under CERCLA. If, however, the Agency later determines that sites which it has not listed as a matter of policy are not being properly responded to, the Agency will consider listing those sites on the NPL.

This section discusses the comments received on these categories of releases and the Agency's decision on how to address them on the NPL.

Releases of Radioactive Materials

Section 101(22) of CERCLA excludes several types of releases of radioactive materials from the statutory definition of "release." These releases are therefore not eligible for CERCLA response actions or inclusion on the NPL. The exclusions apply to 1) releases of source, by-product or special nuclear material from a nuclear incident if these releases are subject to financial protection requirements under section 170 of the Atomic Energy Act, and 2) any release of source, by-product or special nuclear material from any processing site designated under the Uranium Mill Tailings Radiation Control Act of 1978. Accordingly, such radioactive releases have not been considered eligible for inclusion on the NPL. As a policy matter, EPA has also chosen not to list releases of source, by-product, or special nuclear material from any facility with a current license issued by the Nuclear Regulatory Commission (NRC), on the grounds that the NRC has full authority to require cleanup of releases from such facilities. (Formerly licensed facilities whose licenses no longer are in effect will, however, be considered for listing.) Comments generally supported the position.

Some commenters said that EPA should also not list facilities that hold a current license issued by a State pursuant to a delegation of authority from the NRC pursuant to section 274 of the Atomic Energy Act (42 U.S.C. 2021).

EPA has decided, however, that its policy of excluding licensed facilities from the list should extend only to those facilities over which the Federal agency, the NRC, has direct control. When a facility is licensed by a State pursuant to an NRC delegation, the NRC has no authority, short of withdrawing the delegation itself, to enforce conditions of the license or determine that new conditions are necessary. EPA recognizes that the licensing State may be able to ensure cleanup of any release through the license, but has decided to list such sites on the NPL to provide potential Federal authorities if necessary. Since listing on the NPL in no way determines whether actual cleanup actions will be taken, EPA will be able to defer to the licensing State whenever the Agency determines that State efforts are adequate to address the problem.

Some commenters stated that no sites of radioactive releases should be included on the NPL for several reasons. One point made was that other Federal authorities, such as the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA), provide adequate authority to control releases from such sites. With the exception of certain specified sites (which EPA has not considered for listing on the NPL), however, UMTRCA addresses the problem only by inclusion of conditions in facility licenses and does not authorize any direct response actions. While UMTRCA may prove adequate in some cases, EPA believes that CERCLA provides sufficiently broader authorities to warrant listing in anticipation of the possibility that action under CERCLA may prove necessary or appropriate at some of these sites.

Another point made was that the HRS does not accurately reflect the real hazard presented by radioactive sites because the HRS scores releases of radioactive material even when those releases are within radiation limits established by the Nuclear Regulatory Commission and by EPA pursuant to the Atomic Energy Act. As explained above in discussing the HRS approach to scoring observed releases, this factor is designed to reflect the likelihood that substances can migrate from the site, not that the particular release observed is itself a hazard. In addition, EPA's experience has been that some radioactive releases do exceed these standards, confirming the premise of the HRS that a current observed release in low concentrations may be followed by greater releases leading to higher concentrations.

Releases From Federal Facilities

CERCLA section 111(e)(3) prohibits use of the Fund for remedial actions at Federally owned facilities. In the proposed NPL, EPA did not list any sites where the release resulted solely from a Federal facility, regardless of whether contamination remained onsite or has migrated offsite. EPA did, however, consider eligible for inclusion on the NPL sites where it was unclear whether the Federal facility was the sole source of contamination, on the grounds that if it turned out that some other source were also responsible EPA might be authorized to respond. In these situations, the offsite contaminated area associated with this type of release was considered eligible for inclusion. Sites that are not currently owned by the Federal Government were also considered eligible for the NPL, even if they were previously owned by the Federal Government. Finally, non-Federally owned sites where the Federal Government may have contributed to a release were also eligible for inclusion.

EPA chose not to list releases coming solely from Federal facilities because of the lack of EPA response authority, and because the responsibility for cleanup of these sites rests with the responsible Federal agency, pursuant to Executive Order 12316 (46 FR 42237, Aug. 20, 1981). EPA incorporated this position into the NCP, at section 300.66(e)(2), 47 FR 31215 (July 16, 1982). However, a number of commenters believed that Federal facilities should be listed on the NPL when the HRS score was sufficiently high in order to focus public attention and appropriate resources on the most serious sites even though they are not eligible for Fund-financed remedial action. After consideration of this comment, the Agency believes that it may be appropriate to include Federal facility sites on the NPL when they meet the criteria for inclusion, and has decided to propose a future amendment to the NCP which would permit it to do so. While it was not feasible to consider Federal facilities for inclusion in this final NPL or in the first update, EPA intends to begin considering Federal facilities for inclusion on the NPL, and expects to include qualifying sites in the next feasible NPL update proposal.

EPA will develop working relationships with Federal agencies on the implementation of corrective actions at Federal sites, whether on a future version of the NPL or not. If the sites are owned by the Department of Defense, they will take the appropriate action, as they have response authority under Executive Order 12316. For sites owned by other agencies, EPA will conduct the

remedial action with funding provided by the agency that owns the site. In both of these instances, the response action must be in conformity with the NCP, just as all response action performed by private parties must be.

RCRA-Related Sites

Both CERCLA and the Resource Conservation and Recovery Act (RCRA) contain authorities applicable to hazardous waste facilities. These authorities overlap for certain sites. Accordingly, where a site consists of regulated units of a RCRA facility operating pursuant to a permit or interim status, it will not be included on the NPL but will instead be addressed under the authorities of RCRA. The Land Disposal Regulations under RCRA (40 CFR Parts 122, 260, 264, and 265) give EPA and the States authority to control active sites through a broad program which includes monitoring, compliance inspections, penalties for violations, and requirements for post closure plans and financial responsibility. RCRA regulations require a contingency plan for each facility. The regulations also contain Groundwater Protection Standards (40 CFR Part 264 Subpart F) that cover detection monitoring, compliance monitoring (if ground water impacts are identified) and corrective action.

These monitoring and corrective action standards apply to all "regulated units" of RCRA facilities, i.e., any part of the waste treatment, storage, or disposal operation within the boundaries of the facility that accepted waste after January 26, 1983, the effective date of the Land Disposal Regulations (47 FR 32349, July 26, 1982). Even if the unit ceases operation after this time, the unit is still required to be covered by a permit and the monitoring and corrective action requirements will be enforced. Given this alternative authority to ensure cleanup, regulated units of RCRA facilities generally are not included on the NPL. This is true not only of sites subject to EPA-administered hazardous waste programs but also to sites in States that administer programs approved by EPA. Even in the latter instance, close Federal control is ensured by the comprehensiveness of the program elements required of all State programs coupled with EPA's authority to enforce State program requirements directly if the State fails to do so. Only if the facility is abandoned and the RCRA corrective action requirements cannot be enforced will EPA consider listing the site on the NPL for possible response under CERCLA. EPA does, however,

consider eligible for listing on the NPL those RCRA facilities at which a significant portion of the release appears to come from "non-regulated units" of the facility, that is, portions of the facility that ceased operation prior to January 26, 1983.

Releases of Mining Wastes

Some commenters presented the view that CERCLA does not authorize EPA to respond to releases of mining wastes, and that sites involving mining wastes should not be included on the NPL. This view is based on the interpretation that mining wastes are not considered hazardous substances under CERCLA. CERCLA includes in its definition of hazardous substances materials that constitute hazardous wastes under the Resource Conservation and Recovery Act (RCRA). In the 1980 amendments to RCRA, the regulation of mining wastes under Subtitle C of RCRA was temporarily suspended and that suspension is presently in effect. For that reason, the commenters believe that mining wastes should not be considered hazardous substances under CERCLA.

EPA disagrees with the commenters' interpretation. The Agency believes that mining wastes can be considered hazardous substances under CERCLA if it meets any of the other statutory criteria (e.g., if the material is also a hazardous air pollutant listed under section 112 of the Clean Air Act). More importantly, however, EPA's authority to respond to mining waste releases, and the Agency's ability to list mining waste sites on the NPL, does not depend on whether mining wastes are hazardous substances. Section 104(a)(1) of CERCLA authorizes EPA to respond to releases of not only "hazardous substances," but also "any pollutant or contaminant." "Pollutant or contaminant" is defined very broadly in section 104(a)(2) to include essentially any substance that may cause an adverse effect on human health. EPA is convinced that mining wastes can satisfy these minimal criteria, that the Agency therefore has the authority to respond to releases of mining wastes, and that listing of mining waste sites on the NPL is appropriate.

Commenters also presented the view that it is unclear whether CERCLA was intended to address the type of waste problem, characterized by low concentrations and large volumes, associated with mining waste. They argued that the approach taken under RCRA, of preparing a study of mining wastes before determining whether regulation of such wastes is appropriate, should be adopted in the CERCLA program as well. Commenters suggested

that as a policy matter, long term permanent remedial actions could be postponed and only removal actions taken at such sites when emergency conditions warrant.

As described above, however, the response authorities of CERCLA are very broad. As long as EPA has the authority to respond, and no other Federal statute provides authority comparable to CERCLA, the Agency has the obligation at least to evaluate the precise extent of the risk and the possible response actions at all sites that upon preliminary investigation appear to present a significant risk. EPA should also remain free at least to consider all types of response actions at all sites in order to determine which is the most appropriate and cost-effective, and should not limit itself to considering only removal actions at a particular class of facilities. Inclusion of the NPL is appropriate in order to begin the process of determining how to address such sites. Since inclusion on the NPL does not determine whether response actions will be taken or what response is appropriate, EPA is free to develop an approach for responding to mining waste sites that takes into account any unique features of such sites.

Comments also presented the view that the HRS is not an appropriate tool to estimate the risk to health and the environment presented by mining waste sites.

They pointed out that the HRS does not consider concentration levels at the point of impact, but rather the mere presence of the substance in the environment. As explained in Part VII below, however, the purpose of scoring for an observed release without taking level of concentration into account is simply to reflect the likelihood that the subject substances will migrate into the environment, which in the case of an observed release is 100 percent. Future releases, or even current releases for which concentration data do not exist, may raise the level of concentration to the point that it presents a greater risk than the release first observed. While releases from mining waste sites may be somewhat less likely than releases of man-made chemical substances to ever reach extremely high concentrations, harmful concentrations can occur from mining waste sites and the distinction is not sufficient to invalidate the HRS as an appropriate model for scoring mining waste sites.

Another comment was that the locations of mining waste sites are generally rural, so that the only sizable target population are far downstream. The comment alleged that these

populations are considered in the HRS scoring but in reality may never be affected. This assumption, however, is false. The HRS considers only those persons living within a three mile radius of the site as constituting the target population. If a mining waste site has a high score for this factor, it indicates that despite the fact that the locations of such sites typically are rural, this particular site has a significant number of people within three miles.

Indian Lands

EPA has always considered sites on Indian lands to be eligible for inclusion on the NPL. However, one commenter was concerned that some sites on Indian lands may not have been included in the State evaluation of NPL candidate sites because Indian lands are not subject to State jurisdiction. The Agency recognizes that this may happen. However, EPA Regional Offices may also evaluate sites for inclusion on the NPL. The Agency urges commenters to submit information on any sites which they feel may not have been evaluated during preparation of the NPL for consideration in subsequent updates.

Non-Contiguous Facilities

Section 104(d)(4) of CERCLA authorizes the Federal Government to treat two or more non-contiguous facilities as one for purposes of response, if such facilities are reasonably related on the basis of geography or on the basis of their potential threat to public health, welfare, or the environment. For purposes of the NPL, however, EPA has decided that in most cases such sites should be scored and listed individually because the HRS scores more accurately reflect the hazards associated with a site if the site is scored individually. In other cases, however, the nature of the operation that created the sites and the nature of the probable appropriate response may indicate that two non-contiguous sites should be treated as one for purposes of listing and EPA has done so for some sites on the final NPL.

Factors relevant to such a determination include whether the two sites were part of the same operation. If so, the substances deposited and the means of disposal are likely to be similar, which may imply that a single strategy for cleanup is appropriate. In addition, potentially responsible parties would generally be the same for both sites, indicating that enforcement or cost recovery efforts could be very similar for both sites. Another factor is whether contamination from the two sites are threatening the same ground water or

surface water resource. Finally, EPA will also consider the distance between the non-contiguous sites and whether the target population is essentially the same or substantially overlapping for both sites, bearing in mind that the HRS uses the distance of three miles from the site as the relevant distance for determining target population.

Where the combination of these factors indicates that two non-contiguous locations should be addressed as a single site, the locations will be listed as a single site for purposes of the NPL. While the nature of the listing may be a guide to prospective response actions, it is not determinative; EPA may decide that response efforts, after all, should be distinct and separate for the two locations. Also, EPA may decide to coordinate the response to several sites listed separately on the NPL into a single response action when it appears more cost-effective to do so.

VII. Changes From the Proposed NPL

The Agency received a total of 343 comments on 217 of the sites listed on the proposed NPL. General comments on the NPL are addressed throughout this preamble. Significant comments regarding specific sites are addressed in the Support Document for the National Priorities List, previously cited. A number of the site-specific comments addressed similar issues, and EPA's approaches to those common issues are presented in this section.

A total of 144 HRS score changes have resulted from the Agency's reviews of comments and other information, and these are summarized in Table I. EPA determined that a total of five sites that had been proposed have HRS scores below 28.50 and should not be included on the NPL. For seven sites, the Agency is still considering the comments received concerning those sites and was unable to reach a final decision on listing in time for this publication. EPA will continue to evaluate these sites and make a final decision on them in a future update to the NPL. In one instance, where cleanup actions have adequately addressed the problems, EPA determined that a site should be deleted from the proposal and not included on the final NPL. In addition, two States have revised their designations of top priorities. These items are addressed below.

Waste Quantity. A number of commenters said that the waste quantity values assigned under the HRS were too high, because EPA had included the non-hazardous constituents of the hazardous substances in calculating the quantity of waste located at the facility. This issue was raised and resolved

when the Agency adopted the HRS. In the preamble to that publication (47 FR 31190, July 16, 1982), EPA addressed the rationale for including all constituents, including the non-hazardous portions of the materials, in the calculation of the quantity of hazardous waste at a site. Briefly stated, the rationale for the Agency's approach is that detailed information of the portion of the total substances at a site that consist of hazardous constituents is expensive to determine, and therefore, because of the need to use a consistent method of evaluation of this factor at many sites nationwide, cannot be required as an element necessary for HRS scoring. EPA recognizes that most hazardous wastes contain some fractions of non-hazardous substances, and this fact was taken into account when the rating scales for waste quantity were established. In most instances a very small amount of the hazardous substances can have a significant impact on public health, welfare, or the environment. The Agency did not revise waste quantity values in response to comments presenting calculations that excluded the non-hazardous constituents.

Consideration of Flow Gradients. In some instances commenters maintained that, based upon their conclusions regarding prospective movement of contaminants in ground waters, the values assigned by EPA to population served by ground water are too high. The HRS, however, specifies that all the population using the aquifer of concern within a three mile radius of the facility should be included in the calculations of population served by ground water. The Agency's approach is based on the difficulty of predicting precisely the movements of ground water; furthermore, in establishing the rating scales, the Agency took into account the fact that most wells within the three mile radius would not be affected. As was the case with the waste quantity issue, this issue was addressed and resolved in adopting the HRS in July 1982. The rationale for the Agency's approach is further addressed in the preamble to the NCP (47 FR 31190-91, July 16, 1982) and is equally applicable now.

Scoring on the Basis of Current Conditions. Some commenters felt that EPA should take current conditions into account when scoring sites where response actions have reduced the hazards posed by the site. EPA scored sites for inclusion in the NPL based on the hazards that existed before any response actions were initiated. This policy was explained in the preamble to the final revisions to the NCP (47 FR 31187, July 16, 1982). The Agency

explained that public agencies might have been discouraged from taking early response if such actions could lower the HRS score and prevent a site from being included on the NPL. This has turned out to be the case, as at least one State and some EPA Regional Offices have actually sought reassurances prior to taking emergency action at sites that a site's HRS score would not be lowered as a result of the response action. Alternatively, some private parties might have only taken action sufficient to lower the score to the point that it would not be listed on the NPL but would not be completely cleaned up. Those types of score manipulations could be accomplished by such actions as temporarily removing wells from service to lower target scores, or removing wastes from a site to lower waste quantity scores while failing to address contaminated ground waters, or by remedying only air discharges where ground or surface water contamination also present a problem. Therefore, EPA was and is concerned that scoring on the basis of the latest conditions at a site could encourage incomplete solutions that might leave significant health threats unaddressed.

Even where the response actions occurred before the listing process began, EPA believes that these actions should not be considered when scoring the site for the NPL. The ability of the HRS to approximate risk at a given site is based on a number of presumed relationships between the various factors considered in calculating the HRS scores. When partial response actions are conducted, the validity of these relationships for the purpose of approximating the risk posed by a site may be affected. For this reason, if the site is rescored taking the response actions into account, the drop in score that may result might not reflect a commensurate reduction in the level of risk presented by a site.

For example, the factor of hazardous waste quantity, when considered with other factors that predict the toxicity of the substances and the likelihood of release, helps predict how extensive the harm from a release can be. For a site that has been in existence for some time, however, hazardous substances may already have begun migration toward ground water or surface water. If the hazardous materials on the surface are then removed, and the site is scored according to conditions existing after removal, the site would be assigned a negligible value for waste quantity, even though substantial amounts of the material may still be under the site and a potential threat to the public health.

Another example is where some of the original population at risk has been provided with alternative drinking water supplies. In such a case, the population at risk factor might be rescored quite low, even where the alternative supplies are temporary, costly, or limited in supply. In addition, rescoring in this situation could penalize residents for securing alternative supplies by lowering the priority of the site or deleting it from the list and thereby precluding completion of proper remedial actions. A final reason is that response action at sites is an ongoing process, and it may become unduly burdensome to continually recalculate scores to reflect such actions.

Where response actions have already been initiated by private parties or another agency, listing such sites will enable EPA to evaluate the need for a more complete response. Inclusion on the NPL therefore does not reflect a judgment that responsible parties are failing to address the problems. The Agency believes, therefore, that this approach is appropriate, and consistent with the purpose of the NPL as stated in the legislative history of CERCLA.

Small Observed Release. Some commenters maintained that EPA incorrectly assigned values for observed releases to ground waters because the measured concentrations of the substances involved were below the regulatory limits specified under the Safe Drinking Water Act. The HRS states:

If a contaminant is measured (regardless of frequency) in ground water or in a well in the vicinity of a facility at a significantly (in terms of demonstrating that a release has occurred, not in terms of potential effects) higher level than the background level, then . . . a release has been observed (NCP, Appendix A, § 3.1, 47 FR 31224, July 16, 1982).

This scoring instruction is based on the fact that the observed release factor is considered for purpose of estimating the likelihood that substances can migrate from the site. When a release is observed in any quantity, as long as the concentration is above background level, that likelihood is 100 percent, and this factor receives the maximum score of 45. The observed release factor is not intended to reflect the level of hazard presented by the particular release

observed. The hazard presented is, rather, approximated by the total score, incorporating the observed release factor indicating the likelihood of migration with other factors such as waste quantity, toxicity, and the persistence of the substance. These combined factors are indicative of the possibility of future releases of much higher amounts. Furthermore, concentrations of substances migrating in the environment tend to show extreme variation through time and space. Given that only periodic sampling is feasible in most instances, requiring contaminants to exceed certain levels before assigning an observed release could exclude many sites from the NPL which may be endangering the public. The rationale for this approach is further discussed in the preamble to the NCP (47 FR 31188 (July 16, 1982)).

Summary of Score Changes. A summary of the 144 sites where EPA's review of comments and new data resulted in a final score that changed from the score as originally proposed is shown in the table below:

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NATIONAL PRIORITIES LIST HRS SCORE CHANGES

NATIONAL PRIORITIES LIST HRS SCORE CHANGES				
State	City/County	Site Name	Original	HRS Score Revised
EPA Region I				
CT	Southington	Solvents Recovery Systems	37.28	44.93
CT	Canterbury	Yaworski Waste Lagoon	36.70	36.72
MA	Bridgewater	Cannon Engineering	38.19	39.89
MA	Groveland	Groveland Wells	40.06	40.74
MA	East Woburn	Wells GSH	59.20	42.71
MA	Acton	WR Grace Co. (Acton Plant)	59.30	59.31
ME	Washburn	Pineette's Salvage Yard	39.61	33.98
ME	Saco	Saco Tannery Waste Pits	33.40	43.19
ME	Winthrop	Winthrop Landfill	40.47	35.62
NH	Dover	Dover Municipal Landfill	36.90	36.98
NH	Kingston	Ottati and Gross/Kingston	53.40	53.41
NH	Somersworth	Steel Drum	53.40	53.41
NH	Somersworth	Somersworth Sanitary Landfill	65.57	65.56
NH	Nashua	Sylvester	63.26	63.28
NH	Londonberry	Tinkham Garage Site	42.70	43.24
RI	Coventry	Picillo Coventry	67.70	53.63
VT	Burlington	Pine Street Canal	40.40	40.42
EPA Region II				
NJ	Mount Olive Twp.	Combe Fill North Landfill	42.44	47.79
NJ	Dover	Dover Municipal Well 4	42.24	28.90
NJ	Gloucester Township	Gems Landfill	58.88	58.53
NJ	Mantua	Helen Kramer Landfill	70.06	72.66
NJ	Marlboro Township	Imperial Oil/Champion Chem.	42.69	33.87
NJ	Pittman	Lipari Landfill	72.12	75.60
NJ	Pedricktown	N.L. Industries	49.74	52.96
NJ	Rockaway Township	Rockaway Township Wells	44.46	28.90
NJ	Dover Township	Toms River Chemical	45.87	50.33
NY	South Cairo	American Thermostat Co.	48.01	33.61
NY	Batavia	Batavia Landfill	44.16	50.18
NY	South Glens Falls	G.E. Moreau Site	49.83	58.21
NY	Niagara Falls	Hocker-S Area	52.58	51.62
NY	Wellsville	Sinclair Refinery	72.01	53.90
NY	Vestal	Vestal Water Supply	42.24	37.93
		Vestal Water Supply 1-1	42.24	42.24
		Vestal Water Supply 4-2	42.24	42.24
P2	Juana Diaz	G.E. Wiring Devices	42.40	31.24
PR	Barceloneta	MCA, del Caribe	31.28	31.14
EPA Region III				
DE	New Castle County	Army Creek Landfill	69.96	69.92
DE	New Castle County	New Castle Spill	38.43	38.43
MD	Annapolis	Middleton Road Dump	38.51	29.36
PA	State College Bor.	Centre County Kepone	39.44	45.09
PA	Parker	Craig Farm Drum Site	28.71	28.72
PA	North Whitehall Twp.	Hielera Landfill	41.79	50.23
PA	Kimberton Borough	Kimberton	29.42	29.44
PA	Harrison Township	Lindane Dump	51.50	51.62
PA	McAdoo Borough	McAdoo Associates	65.32	63.03
PA	Grove City	Osborne	58.41	54.60
PA	Falmertown	Falmertown Zinc Pile	46.44	42.93
PA	Erie	Presque Isle	37.20	40.59
PA	Westline	Westline	31.85	31.71
VA	Saltville	Saltville Waste Disposal	53.23	29.52
WV	Follansbee	Follansbee Sludge Pile	31.89	33.77
EPA Region IV				
FL	Galloway	Alpha Chemical Corporation	55.66	43.24
FL	Pensacola	American Cresote	49.27	58.41
FL	Bialeah	Northwest 58th Street LF	49.43	49.43
FL	Mount Pleasant	Paramore Surplus	34.85	37.61
FL	Jacksonville	Picketville Road Landfill	58.75	42.94
FL	Tampa	Reeves SE Galvanizing Corp.	51.97	58.75
FL	Clearmont	Tower Chemical	38.53	44.03
KY	Calvert City	S. F. Goodrich	31.14	33.01
KY	West Point	Distler Brickyard	37.62	44.77
NC	Swannanoa	Chestronics, Inc.	30.01	30.16
SC	Cayce	SCRD Dixiana	40.70	40.70
TN	Chattanooga	Annicola Dump	30.24	40.91
TN	Gallaway	Gallaway Ponds	30.78	30.77
TN	Lawrenceburg	Murray Ohio Dump	46.43	46.44
TN	Memphis	North Hollywood Dump	6.58	19.46
EPA Region V				
IL	Waukegan	Johns-Manville Corp.	18.62	38.20
IL	LaSalle	LaSalle Electric Utilities	30.98	42.06
IN	Gary	Lake Sandy Jo (M&M Landfill)	38.31	38.21
IN	Gary	Midco I	60.43	46.44
MI	Grand Rapids	Butterworth #2 Landfill	50.30	50.31
MI	Charlevoix	Charlevoix Municipal Well	31.95	37.94
MI	Marquette	Cliff/Dow Dump	34.66	34.50
MI	Dalton Twp.	Doell and Gardner Landfill	34.66	34.68

HRS Score		Site Name	State	City/County	HRS Score	
Original	Revised				Original	Revised
EPA Region V (concluded)						
MI		Grand Traverse Overall			40.86	35.53
MI		Supply Co.			53.60	53.65
MI		Gratiot County Landfill				
MI		Supply				
MI		Bedlam Industries			31.70	37.29
MI		Ionia City Landfill			38.02	31.31
MI		Kentwood			35.43	35.39
MI		Albion			44.63	33.42
MI		Temperance			38.16	38.20
MI		Piler City			51.95	51.91
MI		Potosky				
MI		Potosky Municipal Well				
MI		Field			35.97	42.68
MI		Muskegon Heights				
MI		SCA Independent Landfill			36.36	34.75
MI		Mancelona Twp.			48.50	48.55
MI		Tar Lake			48.78	52.29
MI		Velsicol Michigan			52.05	40.03
MI		Pleasant Plains Twp.			58.41	46.77
MI		Wash King Laundry			74.16	65.50
MI		Burlington Northern			50.49	42.49
MI		FMC Corp.			50.95	39.97
MI		Lehiiler/Wankato			34.78	30.77
MI		ML Industries/Taracorp/Globe			51.80	50.49
MI		Big D Caspground			40.37	34.56
MI		Bowers Landfill			51.62	44.95
MI		E.H. Schilling Landfill			37.70	31.19
MI		Fields Brook			28.98	35.59
MI		New Lyme Landfill				
MI		Zanesville				
EPA Region VI						
AR		Newport			35.40	35.60
AR		Walnut Ridge			39.40	39.47
AR		Edmondson			38.10	40.13
AR		Ft. Smith			36.90	30.31
AR		Mena			45.43	45.87
AR		Jacksonville			64.96	65.46
LA		Slide			36.75	39.78
LA		Milan			42.29	34.21
LA		Albuquerque			35.57	42.24
OK		Ottawa County			58.20	58.15
TX		Grand Prairie			35.10	35.06
TX		Crosby			63.30	63.33
TX		Highlands			37.66	37.77
TX		LaMarque			62.70	62.66
TX		Crosby			61.60	61.62
TX		Bridge City			28.74	28.75
EPA Region VII						
IA		Des Moines			28.91	42.28
KS		Arkansas City			4.23	5.49
KS		Cherokee County			66.74	58.15
MO		Verona			43.77	43.78
EPA Region VIII						
CO		Leadville			51.94	55.84
CO		Idaho Springs			46.50	51.39
CO		Denver			44.00	44.11
CO		Boulder County			41.00	46.52
CO		Commerce City			37.00	59.65
CO		Asaconda			45.00	44.87
MT		Libby			58.70	58.71
MT		Milltown			37.70	37.67
MT		Silver Bow			43.80	43.78
ND		Deer Lodge			63.80	63.76
ND		Southeastern			34.00	34.07
SD		Whitecourt			59.50	63.76
UT		Salt Lake City			7.50	7.46
WY		Laramie			37.00	37.24
EPA Region IX						
AZ		Scottsdale			40.02	42.24
AZ		Globe				
CA		Ukiah			26.46	30.24
CA		Cloverdale			42.02	44.73
CA		Selma			34.52	34.70
CA		Selma Treating Co.			41.17	48.83
EPA Region X						
OR		Portland			32.84	32.12
OR		Albany			48.15	54.27
WA		Spokane			40.15	41.59
WA		Yakima			32.18	38.90
WA		Vancouver			57.92	57.93
WA		Seattle			41.79	34.60
WA		Mead			41.26	38.07
WA		Lakewood			29.07	42.49
WA		Yakima			33.50	23.33
WA		Rent			36.30	55.63

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Proposed NPL Sites with Scores which Fall Below 28.50. The following sites will not be included on the NPL because EPA has determined that the HRS scores are below 28.50:

State	Site name
Arkansas	Crittenden County Landfill
Idaho	Flynn Lumber
Indiana	Parrot Road
Nebraska	Phillips Chemical
Ohio	Van Dale Junkyard

Sites Still Under Consideration. In the case of the following sites, EPA was unable to reach a final decision on whether to include them on the final NPL in time for this publication.

State	Site name
Arizona	Kingman Airport Industrial Area
Kentucky	Airco
Louisiana	Bayou Sorrel
Michigan	Clara Water Supply
Michigan	Electrovoice
Michigan	Littlesfield Township Dump
Michigan	Whitehall Wells

EPA will announce its decisions regarding these sites in subsequent NPL updates.

Deletion. The criteria for deletion, which are discussed in Part VIII below, have already been met at the Gratiot County Golf Course site which was included on the proposed NPL. EPA has consulted with the State of Michigan and has determined that the responsible parties have completed cleanup of the site such that no Fund-financed response will be required.

Name Revisions. In some instances EPA has determined that the names of sites should be revised to more accurately reflect the location or nature of the problem. Those name revisions are listed below:

State	Site name for proposed NPL	New site name
MA	Plymouth Harbor/Cordage	Plymouth Harbor/Cannon Engineering
NH	Ottati & Goss	Ottati & Goss/Kingston Steel Drums
RI	Forestdale	Stamming Mills
NJ	Imperial Oil	Imperial Oil Co., Inc./Champion Chemicals
IN	Lake Sandy Jo	Lake Sandy Jo (M&M Landfill)
MN	National Lead Taracorp	NL Industries/Taracorp/Golden Auto
OH	New Brighton Allied Chemical	New Brighton/Arden Hills Allied Chemicals & Irontron Coke
	Poplar Oil	Larkin/Poplar Oil
	Rock Creek/Jack Webb	Oil Mill
OK	Criner/Hardage	Hardage/Criner

In addition, in the case of one site proposed for the NPL, the Vestal Water Supply, the Agency has determined that there are two distinct sites rather than one as was previously believed. Geohydrologic studies have indicated that the ground water contamination is present in two distinct plumes, apparently from two different sources.

Thus, the site name has been revised to Vestal Water Supply Well No. 1-1 and Vestal Water Supply Well No. 4-2.

States' Top Priority Sites. The State of Mississippi has informed EPA that the Plastifax site, previously designated as their top priority site, is not the State's highest priority. Since the site does not otherwise meet the criteria for inclusion on the NPL, the Plastifax site has not been listed. Mississippi has designated another site as its top priority, which EPA has proposed for inclusion on the NPL in the proposed update immediately following this final NPL promulgation in today's Federal Register. Likewise, the State of Maine has informed EPA that the Winthrop Landfill is no longer considered their top priority site. However, that site has a sufficiently high HRS score to warrant inclusion on the list and has been included. Maine has not yet designated an alternative top priority site.

VIII. Updates and Deletions to the NPL

CERCLA requires that the NPL be revised at least once per year. EPA believes that more frequent revision may be appropriate. Thus, the Agency may revise the NPL more often than is specified in CERCLA. NPL revisions, or "updates," may add new sites to the NPL, and may delete sites from the list. EPA anticipates that each update publication will present proposed additions, proposed deletions, and the current NPL consisting of all sites previously established as part of the list as well as the final listing of sites that were proposed in the preceding update publication. EPA's first NPL update is proposed in today's Federal Register immediately following this publication of the final NPL.

In addition to the periodic updates described above, EPA believes it may be appropriate in rare instances to add sites to the NPL individually as the Agency did in the case of the Times Beach site in Missouri.

The Agency plans to identify and consider additional sites for inclusion on NPL updates in the same manner as for sites on the initial NPL. States have the primary responsibility for identifying sites, computing HRS scores, and nominating them for inclusion on the NPL, although EPA Regional Offices may assist in investigation, sampling, monitoring, and scoring, and may in some cases consider candidate sites on their own initiative. EPA will notify the States in advance of each update publication of the closing dates for submission of proposed additions (or deletions, as discussed below) to EPA. EPA will exercise quality control and quality assurance to verify the accuracy and consistency of scoring. The Agency will then publish a proposal of all sites

that appear to meet the criteria for listing, and solicit public comment on the proposal. Based on comments, and any further review by EPA, the Agency will determine final scores, and in the next update publication will include on the final NPL any sites that score high enough for listing. For the proposed update immediately following this rulemaking in today's Federal Register, the Agency has continued to use the same minimum HRS score of 28.50 that was used to establish eligibility for this final rule.

There is no specific statutory requirement that the NPL be revised to delete sites. However, EPA has decided to consider deleting sites in order to provide incentives for cleanup to private parties and public agencies. Furthermore, establishing a system of deleting sites affords the Agency the opportunity to give notice that the sites have been cleaned up and gives the public an opportunity to comment on those actions. On June 28, 1982, the Agency developed a guidance document which addressed how sites may be deleted from the NPL. This guidance suggested that a site meeting any of the following criteria could be deleted from the NPL:

(1) EPA in consultation with the State has determined that responsible parties have completed cleanup so that no Fund-financed response actions will be required.

(2) All appropriate Fund-financed cleanup action under CERCLA has been completed, and EPA has determined that no further cleanup by responsible parties is appropriate.

(3) EPA, in considering the nature and severity of the problems, the potential costs of cleanup, and available funds, has determined that no remedial actions should be undertaken at the site.

EPA does not consider this guidance to be binding, and may revise it to provide for deletion of sites based on other factors in appropriate cases. EPA will delete sites from the NPL by publishing notices in the Federal Register at the time of the updates, naming the sites and providing the reasons for deletion.

EPA expects that updates to the NPL will be solely for the purposes of adding sites to or deleting sites from the NPL. The current EPA position, which will serve as guidance for individual listing and deletion decisions, is that updates will not present any HRS score changes for sites that might alter a site's relative ranking, nor will they delete any sites on the basis of score changes. Once a final HRS score has been calculated for a site, and the site has been included on the NPL, EPA does not plan to conduct any recalculations of HRS scores to affect any site's listing.

Several commenters presented suggestions to the contrary. Some recommended that EPA revise HRS scores periodically to reflect the results of cleanup activities, and suggested deleting any site whose HRS score dropped below the cutoff. Other commenters addressed the possibility that new data gathered on a site might alter previous assumptions in scoring, and suggested continual rescoring to reflect any new data for purposes of adjusting a site's position on the list or deleting the site if the score fell below the cutoff.

While it is not necessary to resolve these issues now, as they will be considered as part of each future update determination, EPA believes that a number of important factors support its current position that sites on the final NPL should not be rescored for future updates. With respect to sites where response actions have been taken, the HRS was not designed to reflect completeness of cleanup, and therefore should not be used as a tool for deleting sites from the list or altering their relative ranking. As discussed in Part VII of this preamble, in explanation of EPA's policy to score sites on the basis of original conditions rather than take cleanup actions into account, the HRS approximates risk on the basis of the original conditions at the site. If response actions are taken into account in scoring, the lower HRS score that results might not reflect a commensurate reduction in the level of risk presented by the site.

Another reason discussed in Part VII is that revision of scores simply because cleanup has been partially completed might encourage partial solutions to potentially serious risks of public health and welfare and environmental harm. Removing a site from the list based on score changes resulting from partial cleanup might give private parties an incentive to design response actions to effect such changes rather than completely remedying the situation at the site.

In addition to the foregoing reasons, other considerations justify the current position not to rescore sites after final listing. These considerations apply not only to cleanup situations but also to situations where a score might be affected by new information about a site or by detection of an error in the original calculations.

The process established by EPA for establishing the NPL is comprehensive, involving initial scoring, public proposal, consideration of public comment, re-examination of data and scores, final score calculation, and inclusion on the final NPL. Given this level of scrutiny, and the time and expense involved in scoring sites, EPA believes it appropriate to consider inclusion of a score on the final NPL to end the scoring process.

Furthermore, as described in Part II of this preamble, the purpose of the NPL is primarily informational, to serve as a tool for EPA to identify sites that appear to present a significant risk to public health or the environment, for purposes of deciding which sites to investigate fully and determine what response, if any, is appropriate. EPA believes that it is most consistent with that statutory purpose to cease the costly and time-consuming efforts of site scoring once the NPL development process on a site is complete. Rather than spend the limited resources of the fund on rescoring efforts, the Agency wants to use all available resources to clean up sites. In addition, because the NPL serves as guidance for possible future action and does not determine liability or whether response actions will be taken, a decision not to recalculate scores will not prejudice any potentially responsible parties. This is especially true since any additional information can be considered at other stages of EPA's investigation and response process.

EPA recognizes that the NPL process cannot be perfect, and it is possible that errors exist or that new data will alter previous assumptions. Once the initial scoring effort is complete, however, the focus of EPA activity must be on investigating sites in detail and determining the appropriate response. New data or errors can be considered in that process. Since HRS scores do not alone determine the priorities for actual response actions, any new data or revealed error that indicate that a site is either more or less a problem than reflected in the HRS score will be taken into account and the priority for response adjusted accordingly. If the new information indicates that the site does not present any significant threat to health or the environment, the site will meet one of the EPA criteria for deletion regardless of any original or revised HRS score.

In conclusion, because the HRS was not designed to reflect reductions in hazard resulting from cleanup; because of the desire not to create the incentive for incomplete cleanup actions; because of the need to conserve resources and focus on further investigation and cleanup; because the NPL serves as guidance to EPA and is not determinative of liability or the need for response; and because any new information can be considered for adjustment of a site response priority or for deletion without recalculating the HRS score, EPA does not currently plan to rescore sites once they have been included on the final NPL. Actual decisions on the appropriate treatment of individual sites, however, will be made on a case-by-case basis, with consideration of this policy and any other appropriate factors.

IX. Regulatory Impact

EPA prepared a Regulatory Impact Analysis pursuant to Executive Order 12291 (46 FR 13193, Feb. 19, 1981) for the revised NCP at the time that it was promulgated. That analysis considered regulatory and economic impact that would result from this amendment to the NCP. The analyses of the NCP are available for inspection at Room S-325, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

X. Regulatory Flexibility Act Analysis

EPA prepared a Regulatory Flexibility Analysis pursuant to the Regulatory Flexibility Act (5 U.S.C. 601-612) for the revised NCP at the time that it was promulgated. The Agency reviewed the impact of the revised NCP on small entities, which are small businesses and small municipalities.

While there could be a substantial effect on a few small disposer firms, it is unlikely that a high percentage of these small firms is at risk from potential enforcement actions, because they probably tend to produce much smaller quantities of waste compared to the large firms in the industry. It may, of course, be the case that a small disposer's hazardous waste site has resulted in serious problems (such as ground water contamination). However, again, to the extent that small disposers operate one or two sites on a small amount of acreage, they run a reduced risk of being responsible for serious hazardous waste site problems.

It remains at EPA's discretion whether or not to proceed with enforcement actions against small entities. Thus, any potentially adverse effects are not automatic results of the NCP revisions, including the NPL, and implementation of the Superfund program. On the basis of this analysis, the Agency has concluded that the final NPL will not result in a significant impact on a substantial number of small entities.

The analyses of the NCP are available for inspection at Room S-325, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Super fund, Waste treatment and disposal, Water pollution control, Water supply.

PART 300—[AMENDED]

Part 300, Title 40 of the Code of Federal Regulations is hereby amended by adding a new Appendix B, to read as follows:

BILLING CODE 6550-50-M

Appendix B—National Priorities List

Group 1

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
02 NJ	LIPARI LANDFILL	PITMAN	V
03 DE	TEBOUTS COOPER LANDFILL *	NEW CASTLE COUNTY	R
03 PA	BEVIN LAGOON	BRUIN BOROUGH	R
02 NJ	HELEN KRAMER LANDFILL	MANTON TOWNSHIP	R
01 MA	INDUSTRIAL-PLX	WOBURN	R
02 NJ	PRICE LANDFILL *	PLEASANTVILLE	R
02 NY	POLLUTION ABATEMENT SERVICES *	OSWEGO	R
07 IA	LAGOON SITE	CEARLES CITY	R
03 DE	ARMY CREEK LANDFILL	NEW CASTLE COUNTY	R
02 NJ	CPS/RADISON INDUSTRIES	OLD BRIDGE TOWNSHIP	R
01 MA	STANEA CHEMICAL WASTE DUMP	ASHLAND	R
02 NJ	GENAS LANDFILL	GLACIESTER TOWNSHIP	R
01 MA	BELTIN & FARRIS	SMARTS CREEK	R
01 MA	BALD & MCGUIRE	MOLEBROOK	R
02 NJ	LONG PINE LANDFILL	PRINCEGEORGE TOWNSHIP	R
01 NJ	SOMERSET SANITARY LANDFILL	PRINCETON	R
02 NJ	PEC CORP.	PRINCETON	R
06 AR	VERTAC, INC.	JACKSONVILLE	R
01 DE	KES - EFFING	EPFING	R
08 SD	WHITEWOOD CREEK *	WETTERWOOD	R
08 MT	SILVER BOW/DEER LOGGE	CROSBY	R
06 TX	FRENCH, LTD.	CROSBY	R
01 NJ	SILVESTER *	RAEBURN	R
05 MI	LIQUID DISPOSAL INC.	UTICA	R
03 PA	MCADDO ASSOCIATES *	MCADDO BOROUGH	R
06 TX	MOFCO *	LA MARQUE	R
05 OH	ANDERSON IRON & METAL	DARE COUNTY	R
06 TX	SIGES DISPOSAL PITS	CROSBY	R
04 AL	TRIANA TENNESSEE RIVER	LIMESTONE/MORGAN	R
09 CA	STRATFILLION *	GLER AVON HEIGHTS	R
01 ME	MCJIN CO.	GRAY	R
06 TX	CRYSTAL CHEMICAL CO.	BOOSTON	R
02 NJ	BRIDGEPORT RENTAL & OIL	BRIDGEPORT	R
08 CO	SAND CREEK	COMMERCE CITY	R
01 MA	W B GRACE CO. (ACTION PLANT)	ACTION	R
05 MA	REILLY TAR *	ST. LOUIS PARK	R
02 NJ	SURETY FLY BOG	MARLBORO TOWNSHIP	R
04 FL	SCHULGILL METALS CORP.	PLANT CITY	R
03 NJ	NEW BRISTON/ADERS HILLS	NEW BRISTON	R
02 NY	OLD BETHPAGE LANDFILL	CUSTER BAY	R
04 FL	REEVES SE GALVANIZING CORP.	TAMPA	R
08 MT	ANACONDA SMELTER - ANACONDA	ANACONDA	R
10 WA	WESTERN PROCESSING CO., INC.	KENT	R
04 FL	AMERICAN CROSCOTE WORKS	PENSACOLA	R
02 NJ	CALDWELL TRUCKING CO.	FAIRFIELD	R
02 NY	GE WOREAU	SCOTT GLENS FALLS	R
05 IN	SEYMOUR RECYCLING CORP. *	SEYMOUR	R
06 OR	TAR CREEK	OTIWA COUNTY	R
07 KS	CHENOWE COUNTY	CHENOWE COUNTY	R
02 NJ	BRICK TOWNSHIP LANDFILL	BRICK	R

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Group 2

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
05 MI	NORTHERNAIRE PLATING	CADILLAC	R
10 MA	FRONTIER SHAD CEROME	VANCOUVER	R
04 FL	DAVIN LANDFILL	DAVIE	R
04 FL	COLD COAST OIL CORP.	MIAMI	R
09 AZ	TUCSON INT'L AIRPORT	TUCSON	R
02 NY	WIDE BEACH DEVELOPMENT	BEAUMONT	R
09 CA	IRON MOUNTAIN MINE	FEDDING	R
02 NJ	SCIENTIFIC CHEMICAL PROCESSING	CALISTAT	R
08 CO	CALIFORNIA GULCH	LEADVILLE	R
02 NJ	D'AMICO PROPERTY	HAMILTON TOWNSHIP	R
05 NJ	CARDINAL DUMP	OKANALE	R
05 IL	A & P MATERIALS	GREENUP	R
03 PA	DOUGLASSVILLE DISPOSAL	DOUGLASSVILLE	R
02 NJ	TRINOMANTY FARM	HILLSBOROUGH	R
05 MA	KOPPERS COKE	ST. PAUL	R
01 MA	FLINTOCKS BARROW/CARSON ENG	FLINTOCKS	R
10 ID	BUNKER HILL MINING	SMILTERVILLE	R
02 NJ	UNIVERSAL OIL PRODUCTS (CHEM DIV)	EAST RUTHERFORD	R
09 CA	ARMONET GENERAL CORP.	RANCHO CORDOVA	R
10 WA	CON. BAY, S. WACOMA CHANNEL	TACOMA	R
03 PA	OSBORNE LANDFILL	GROVE CITY	R
02 NY	STUSSIT LANDFILL	CUSTER BAY	R
09 AZ	MINSTERE AVENUE LANDFILL	PHOENIX	R
10 AZ	TELETYPE MAR CHANG	ALBUQUERQUE	R
05 MI	GRATIOT COUNTY LANDFILL *	ST. LOUIS	R
01 NJ	FULLICO FARM *	COVENTRY	R
01 MA	NEW BEDFORD	NEW BEDFORD	R
06 LA	OLD INZER OIL REFINERY *	CARON	R
05 OH	CHEM-DYNE	EMMILTON	R
04 SC	SCOTI ELDTT ROAD *	COLOMBIA	R
01 CT	LARGE PARK, INC.	MADATOCK BOROUGH	R
08 CO	MARSHALL LANDFILL *	BOULDER COUNTY	R
05 IL	OUTBOARD MARINE CORP. *	WATKINSON	R
06 NM	SOUTH VALLEY	ALBUQUERQUE	R
01 VT	PINE STREET CANAL *	BURLINGTON	R
03 WV	WEST VIRGINIA ORDINANCE *	POINT PLEASANT	R
07 MO	ELLISVILLE SITE *	ELLISVILLE	R
08 ND	APSENIC TRIOXIDE SITE *	SOUTHEASTERN	R
09 TT	PCB WASTES *	PACIFIC TRUST TEEL	R
03 VA	MATTHEWS ELECTROPLATING *	ROANOKE COUNTY	R
07 IA	AIDEX CORP. *	COUNCIL BLUFFS	R
09 AZ	MOUNTAIN VIEW MOBILE HOMES *	GLADE	R
09 AS	TAPINTU FARM *	AMERICAN SAMOA	R
04 TN	NORTH HOLLYWOOD COMP *	MEMPHIS	R
04 KY	A. L. TAYLOR (VALLEY OF THE DRUMS)	BROOKS	R
04 NC	PCB SPILLS *	210 MILES OF ROADS	R
09 CO	CREDIT LANDFILL *	GUAM	R
08 UT	ROSE PARK SUDGE PIT *	SALT LAKE CITY	R
07 KS	ARKANSAS CITY DUMP *	ARKANSAS CITY	R
09 CN	PCB WAREHOUSE *	NORTH MARIANAS	R

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Group 3

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
02 NY	SIMPLAIR REFINERY	WELLSVILLE	R
04 AL	MONSIEUR ENGINEERING CO.	GREENVILLE	R
05 MI	SPRINGFIELD LANDFILL	GREEN OAK TOWNSHIP	R
04 FL	MIAMI DRUM SERVICES	MIAMI	R
02 NJ	REICH FARMS	PLEASANT PLAINS	R
02 NJ	SOUTH BRUNSWICK LANDFILL	SOUTH BRUNSWICK	V
04 FL	KASSAUBER-KIMBLE BATTERY DISP.	TAMPA	R
01 NH	MACCONDA SAND & GRAVEL	WALCOT	R
01 NH	OTT/STORY/CORDOVA	KINGSTON	R
02 NJ	EL INDUSTRIAL	DALTON TOWNSHIP	R
02 NJ	KINGWOOD MINES/LANDFILL	FREDERICKTOWN	R
04 FL	WELLSVILLE OIL PITS	KINGSTON	R
05 MI	WELLSVILLE OIL PITS	WELLSVILLE	R
05 OH	SUNNIT NATIONAL	DEERFIELD TOWNSHIP	V
02 NY	LOVE CAMEL	NIAGARA FALLS	R
05 IN	PIESER SAND CO.	LA PORTE	R
05 MI	SPRINGFIELD TOWNSHIP DUMP	WARRINGTON	R
03 PA	BRANICA LANDFILL	DAVISBURG	R
04 NC	MARTIN MARSHALL, SOUTHERN	BUFFALO TOWNSHIP	R
05 MI	PACKAGING CORP. OF AMERICA	CHASLOTTE	D
02 NJ	BOOKER - S AREA	WILMINGTON	D
03 PA	LINDSAY DUMP	WILMINGTON	D
04 FL	CLEAR CREEK	WILMINGTON	D
04 FL	TAYLOR ROAD LANDFILL	WILMINGTON	D
02 NJ	WESTERN SAND & GRAVEL	WILMINGTON	D
06 OH	BRIDGE/CHIEF	WILMINGTON	D
05 MI	WASTE DISPOSAL ENGINEERING	WILMINGTON	D
02 NJ	KIN-BOC LANDFILL	WILMINGTON	D
05 OH	BOMERS LANDFILL	WILMINGTON	D
05 MI	TOMS RIVER CHEMICAL	WILMINGTON	D
02 NJ	BUTTERWORTH #2 LANDFILL	WILMINGTON	D
02 NJ	AMERICAN CYANAMID CO.	WILMINGTON	D
03 PA	HELEVA LANDFILL	WILMINGTON	D
02 NY	BATAVIA LANDFILL	WILMINGTON	D
01 RI	L & R, INC.	WILMINGTON	D
04 FL	W. 58TH STREET LANDFILL	WILMINGTON	D
05 MI	SIXTH-SECOND STREET DUMP	WILMINGTON	D
02 NJ	LANC PROPERTY	WILMINGTON	D
02 NJ	METALTEC/AEROSYSTEMS	WILMINGTON	D
09 CA	SELMA TREATING CO.	WILMINGTON	D
06 LA	CLEVE REBER	WILMINGTON	D
05 IL	VELSICOL ILLINOIS	WILMINGTON	D
05 MI	TAR LAKE	WILMINGTON	D

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Group 4

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
02 NJ	COMBE FILL NORTH LANDFILL	MOUNT OLIVE TWP	R
01 MA	RE-SOLVE, INC.	DARTMOUTH	R
02 NJ	GOOSE FARM	PLAINFIELD TOWNSHIP	R
04 NY	VELSICOL (HARDEN COUNTY)	TOONE	V
02 NY	YORK OIL CO.	MOIRA	R
07 FL	SAPP BATTERY SALVAGE	COTTONDALE	R
04 KS	DOOPER DISPOSAL, BOLLIDAY	JOHNSON COUNTY	R
01 RI	DAVIS LIQUID WASTE	SMITHFIELD	R
01 MA	CHARLES-GEORGE RECLAMATION	TIMBERLOOGE	R
02 NJ	KING OF PRUSSIA	WINDSOR TOWNSHIP	R
03 VA	CHESMAN CREEK	YORK COUNTY	R
05 OH	KEASE CHEMICAL	SALEM	R
02 NJ	CHEMICAL CONTROL	ELIZABETH	R
05 OH	ALLIED CHEMICAL & IDONTON COKE	IDONTON	R
05 MI	WESONA WELLS FIELD	BATTLE CREEK	R
01 CT	BEACON HEIGHTS LANDFILL	BEACON FALLS	R
05 NH	BEALINGTON NORTHERN	BEALINGTON/BAXTER	R
03 PA	WALTON TWP	WALTON	R
02 NY	PALET ENTERPRISES, INC.	ALBANY	V
03 DE	DELAWARE SAND & GRAVEL LANDFILL	NEW CASTLE COUNTY	R
04 TN	MURRAY OIL DUMP	LAWRENCEBURG	R
05 IN	ENVIROCHEM	ELIZABETH	R
05 IN	MIDCO I	ELIZABETH	R
04 FL	COLLEMAN EVANS WOOD PRESERVING CO.	WILMINGTON	R
04 FL	FLORIDA STEEL CORP.	INDIANHURST	R
09 NJ	LITCHFIELD AIRPORT AREA	GOODEAR/ANDERDALE	R
02 NJ	SPENCE FARM	PLAINFIELD TOWNSHIP	R
06 AR	MID-SOUTH WOOD PRODUCTS	MEWA	R
04 FL	BROWN WOOD PRESERVING	LIVE OAK	R
02 NY	PORT WASHINGTON LANDFILL	PORT WASHINGTON	R
02 NJ	COMBE FILL SOUTH LANDFILL	CHESTER TOWNSHIP	R
03 PA	CENTRE COUNTY REPOSE	JAMESBORO/S. BRUNSWICK	R
05 OH	FIELDS BROOK	STATE COLLEGE BOROUGH	R
01 CT	SOLVENTS RECOVERY SERVICE	ASTABULA	R
08 CO	WOODBURY CHEMICAL CO.	SOUTHINGTON	R
01 MA	BROOKWOOD ROAD	COMMERCIAL CITY	R
04 NY	DISTILLER BRICKYARD	WESTBOROUGH	R
02 NY	RAMAPO LANDFILL	WEST POINT	R
09 CA	COAST WOOD PRESERVING	RAMAPO	R
02 NY	MERCURY REFINING, INC.	UKIAH	R
04 FL	ROLLINGMOUTH SOLDERLESS TERMINAL	COLONIE	R
02 NY	CLEAN WELLS FIELD	PLAINFIELD	R
04 FL	VARSOL SPILL	MIAMI	R
08 CO	DENVER RADIUM SITE	DENVER	R
04 FL	TOWER CHEMICAL CO.	CLEMMONT	R
07 MO	SUNTEX FACILITY	WESONA	R
08 MT	MILLTOWN RESERVOIR SEDIMENTS	MILLTOWN	R
02 NJ	FLANK FARM	PLAINFIELD TOWNSHIP	R
02 NJ	SYNCON RESINS	SOUTH KENNY	R

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Group 5

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
09 CA	LIQUID GOLD OIL CORP.	RICHMOND	E
09 CA	PURITY OIL SALES, INC.	MALAGA	D
01 NE	TINHAM GARAGE	LONDONBERRY	R
04 FL	ALPHA CHEMICAL CORP.	GALLOWAY	D
02 NJ	BOG CREEK FARM	HOWELL TOWNSHIP	R
01 ME	SACK TANNERY WASTE PITS	SACO	R
04 FL	PICKETVILLE ROAD LANDFILL	JACKSONVILLE	D
03 PA	PALMISTON ZINC PILE	PALMISTON	D
05 IN	NEAL'S LANDFILL	BLOOMINGTON	D
01 MA	SILVERDALE CHEMICAL CORP.	LOWELL	R
01 MA	WELLS GAS	WOBURN	R
02 NJ	CHROMCO, INC.	PISCATAWAY	D
02 NJ	PROSEY MUNICIPAL WELL FIELD	PROSEY	D
02 NJ	FAIR LAWN WELL FIELD	FAIR LAWN	D
05 IN	MAIN STREET WELL FIELD	ELKHART	D
05 NM	LEHILLER/MARANTO	LEHILLER	R
10 WA	LAKEWOOD	LAKEWOOD	E
02 NJ	MORRIS TOWNSHIP LANDFILL	MORRIS TOWNSHIP	E
02 NJ	ROCKAWAY BOROUGH WELL FIELD	ROCKAWAY TOWNSHIP	E
05 IN	WAYNE WASTE OIL	COLUMBIA CITY	E
07 IA	DES MOINES WCB	DES MOINES	E
02 NJ	BEACHWOOD/REXLEY WELLS	REXLEY TOWNSHIP	D
02 NY	VESTAL WATER SUPPLY WELL 4-2	VESTAL	D
09 AL	INDIAN BEND WASH AREA	SCOTTSDALE	E
10 MA	COM. BAY, BEAR SHORE/TIDE FLAT	PIERCE COUNTY	R
05 IL	LA SALLE ELECTRIC UTILITIES	LA SALLE	R
05 IL	CROSS BROS/FENBERG	FENBERG TOWNSHIP	R
09 CA	MCCELL	FULLERTON	D
10 WA	COLBERT LANDFILL	SPOKANE	R
02 PR	FRONTIERA CREEK	RIO ABALJO	D
02 PR	BARCELONETA LANDFILL	FLORIDA APTURA	D
03 MD	SAND, GRAVEL AND STONE	ELTON	E
05 MI	SPARTAN CHEMICAL CO.	WYOMING	E
02 NJ	ROEBLING STEEL CO.	FLORENCE	D
04 TN	AMSCOLA DUMP	CHATTANOOGA	D
02 NJ	VINELAND STATE SCHOOL	VINELAND	D
03 PA	ENTERPRISE AVENUE	PHILADELPHIA	D
01 MA	GROVELAND WELLS	GROVELAND	R
04 SC	SCARDI DIXIANA	CAYCE	E
07 MO	FULBRIGHT LANDFILL	SPRINGFIELD	D
03 PA	PRESQUE ISLE	ERIE	D
02 NJ	WILLIAMS PROPERTY	SHAWNTON	R
02 NJ	RENDRA, INC.	EDISON TOWNSHIP	D
02 NJ	DENIER & SCARPER X-RAY CO.	BAITVILLE	E
05 IN	RESCUES, INC. (GIBBSTOWN)	GIBBSTOWN	D
06 AR	GULEY PIT	GARY	V
01 RI	PETERSON/PURITAN, INC.	EDMONDSON	E
07 MO	TIMES BEACH	LINCOLN/CORNERLAND	V
05 MI	WASH KING LAUNDRY	TIMES BEACH	R
		PLEASANT PLAINS TWP	D

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Group 6

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
05 MS	NL INDUSTRIES/TARACORP/GOLDEN	ST. LOUIS PARK	V
01 MA	CANNON ENGINEERING CORP. (CEC)	BRIDGEWATER	R
02 NY	NIAGARA COUNTY REFUSE	WHEATFIELD	D
04 FL	SEEDWOOD MEDICAL INDUSTRIES	DELAND	D
05 MI	SOUTHWEST OTTAWA LANDFILL	PARK TOWNSHIP	R
02 NY	KENTUCKY AVE. WELL FIELD	KOSSEBROOK	D
02 NJ	ASBESTOS DUMP	MILLINGTON	D
04 KY	LEE'S LAKE LANDFILL	LOUISVILLE	D
06 AR	FRUIT INDUSTRIES	WALNOT RIDGE	R
05 OH	PULTE LANDFILL	JACKSON TOWNSHIP	D
05 OH	COSHOCTON LANDFILL	FRANKLIN TOWNSHIP	D
03 PA	LORD-SEOWE LANDFILL	GIARD TOWNSHIP	E
10 MA	PAC CORP. (TAKOMA)	TAKOMA	V
01 MA	PSC RESOURCES	OTISVILLE	V
05 MI	FOREST WASTE PRODUCTS	OTISVILLE	R
03 PA	DEAKE CHEMICAL	LOCK HAVEN	R
03 PA	HAVENTON SCP	HAVENTON	E
05 IN	LAKE SANDY JO (NAN LANDFILL)	SEMI CASTLE COUNTY	D
05 IL	JOHN-MANVILLE CORP.	GARY	D
05 MI	CHEN CENTRAL	WYOMING TOWNSHIP	D
02 NJ	JACKSON TOWNSHIP LANDFILL	JACKSON TOWNSHIP	D
05 MI	K & L AVENUE LANDFILL	OSHTIMO TOWNSHIP	D
10 WA	KALISER HEAD	REAO	E
05 MI	CHARLEVOIX MUNICIPAL WELL	CHARLEVOIX	D
02 NJ	MONTGOMERY TOWNSHIP BOSSING DEV	MONTGOMERY TOWNSHIP	D
02 NJ	ROCKY HILL MUNICIPAL WELL	ROCKY HILL BOROUGH	D
02 NY	RENNSTER WELL FIELD	POTAM COUNTY	D
02 NY	VESTAL WATER SUPPLY WELL 1-1	VESTAL	E
02 NJ	U.S. RADION CORP.	OSANGE	D
06 TX	HIGLANDS ACID PIT	HIGLANDS	R
03 PA	BESIN DISPOSAL	JEFFERSON BOROUGH	E
08 MI	LIBBY GROUND WATER CONTAMINATION	LIBBY	E
04 NY	EMPORT DUMP	EMPORT	E
03 PA	MOTESS LANDFILL	EAGLEVILLE	E
04 FL	PARANORE SURPLUS	MOONT PLEASANT	V
05 MI	EDBLON INDUSTRIES	OSCODA	D
08 NY	BAKTER/UNION PACIFIC TIE TREATING	LARAMIE	D
02 NJ	SATREVILLE LANDFILL	SATREVILLE	D
01 NH	DOVER MUNICIPAL LANDFILL	DOVER	D
02 NY	LESLON SAND & GRAVEL	CLAYVILLE	D
07 MO	MINER/STOUT/ROMAINE CREEK	IMPERIAL	R
01 CT	YANOSHI WASTE LAQUON	CANTERBURY	D
03 NY	LEETOWN PESTICIDE	LEETOWN	E
02 NJ	EVOR PHILLIPS LEASING	OLD BRIDGE TOWNSHIP	D
03 PA	WAGE (ARM)	CHESTER	R
03 PA	LACKAWANNA REFUSE	OLD FORCE BOROUGH	E
02 NJ	MANNHEIM AVENUE DUMP	GALLOWAY TOWNSHIP	D
02 NY	FULTON TERMINALS	FULTON	V

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Group 7

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
01 NE	ADAMS ROAD LANDFILL	LOWMEADERY	E
03 WV	FINE CHEMICAL, INC.	NETFORD	V
05 OH	LASKIN/POPLAR OIL CO.	JEFFERSON TOWNSHIP	R
05 OH	OLD MILL	ROCK CREEK	R
07 KS	JOENS' SLUDGE POND	WICHITA	V
02 NJ	SHORE OIL & CHEMICAL CO.	PENNSAUKEN	R
01 NE	WINTROP LANDFILL	WINTROP	D
06 AR	CECIL LINDSEY	NEWPORT	D
05 AR	KANSASVILLE WELLS FIELD	KANSASVILLE	D
05 MI	GRAND TRAVELER OVERALL SUPPLY CO.	GRILLICEVILLE	D
05 MI	SOUTH ANDOVER SITE	ANDOVER	D
05 MI	KENTWOOD LANDFILL	KENTWOOD	D
05 IN	MALTON (BRAGG) DUMP	MALTON	R
05 OH	FRISTING, INC.	READING	D
05 OH	BUCKEYE RECLAMATION	ST. CLAIRSVILLE	R
06 TX	BIO-ECOLOGY SYSTEMS, INC.	GRAND PRAIRIE	R
01 VT	OLD SPRINGFIELD LANDFILL	SPRINGFIELD	D
02 KY	SOLVENT SAVERS	LINCOLN	D
03 VA	D.S. TITANIUM	PINEY RIVER	D
05 IL	GALESHBURG/ROPPERS	GALESHBURG	D
02 NY	BOONER - HUGO PARK	NIAGARA FALLS	D
05 MI	SCA INDEPENDENT LANDFILL	NUSHEGON HEIGHTS	D
09 CA	HON BRAVES	CLOVERDALE	R
05 MI	DEBIL & GARNER LANDFILL	DALTON TOWNSHIP	R
02 NJ	ELLIS PROPERTY	EVESHAM TOWNSHIP	R
04 KY	DUSTLER FARM	JEFFERSON COUNTY	R
10 WA	HARBOR ISLAND LEAD	SEATTLE	D
05 OH	K.E. SCHEILING LANDFILL	HAMILTON TOWNSHIP	D
05 MI	CLIFF/DON DUMP	MARQUETTE	D
06 NH	ROCKSTAKE MINING CO.	HILAN	D
05 MI	MASON COUNTY LANDFILL	PERE MARQUETTE TWP	D
05 MI	COMETRY DUMP	ROSE CENTER	D
01 RI	STAMINA MILLS, INC.	NORTH SMITHFIELD	R
01 ME	FINETTE'S SALVAGE YARD	WASBURN	R
06 TX	HARRIS (FAIRLEY ST)	BOUSTON	D
03 PA	OLD CITY OF YORK LANDFILL	SEVEN VALLEYS	V
05 IL	STEON SALVAGE YARD	SYRON	D
03 PA	STANLEY KESSLER	KING OF PRUSSIA	R
02 NJ	FRIEDMAN PROPERTY	UPPER FREEHOLD TWP	R
02 NJ	IMPERIAL OIL/CHAMPION CHEMICALS	MORGANTOWN	R
02 NJ	NIERS PROPERTY	FRANKLIN TOWNSHIP	D
02 NJ	PERE FIELD	BOONTON	D
05 MI	OSSENEKE GROUND WATER CONTAM	OSSENEKE	D
03 WV	POLLANSBERG	POLLANSBERG	R
05 MI	D.S. AVIEX	HOWARD TOWNSHIP	D
06 NM	AT & SP / CLOVIS	CLOVIS	D
02 NY	AMERICAN THERMOSTAT CO.	SOUTH CARO	D
04 TN	LEWISBURG DUMP	LEWISBURG	D
05 MI	MCGRAW EDISON CORP.	ALBION	D
03 PA	METAL BANKS	PHILADELPHIA	D

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Group 8

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
04 KY	B.F. GOODRICH	CALVERT CITY	D
05 MI	ORGANIC CHEMICALS, INC.	GRANDVILLE	R
02 PR	JUNCO'S LANDFILL	JUNCO'S	D
04 FL	MINISPORT LANDFILL	NORTH MIAMI	D
02 NJ	MAT DELISSA LANDFILL	ASHLEY PARK	D
10 OR	GOULD, INC.	PORTLAND	R
05 MI	AUTO ION CHEMICALS, INC.	ELAMAZOO	R
04 SC	CAROLANN, INC.	POST LAKE	R
05 MI	SPARTA LANDFILL	SPARTA TOWNSHIP	R
05 IL	ACME SOLVENT/MORRISTOWN	MORRISTOWN	R
01 ME	O'CONNOR	AGUSTA	R
05 MI	RAUSCHEN'S DUMP	BRIGHTON	R
03 PA	WESTLINE	WESTLINE	R
05 MI	IONIA CITY LANDFILL	IONIA	R
05 IN	WEDGES INC	LESAON	D
02 PR	GE WIRING DEVICES	JUARA DIAZ	D
05 OH	KEM LIME LANDFILL	KEM LIME	D
02 PR	ECA DEL CARIBE	BARCELONETA	D
03 PA	BROOKDALE CREEK	STRONGSBURG	D
05 MI	ANDERSON DEVELOPMENT CO.	ACRIAN	R
05 MI	SHIVASSER RIVER	HOWELL	R
03 DE	HARVEY & KROTT DRUM, INC.	FIREWOOD	R
04 TN	GALLAWAY PITS	GALLAWAY	R
05 DE	SIG D CAMPBORD	KINGSVILLE	D
03 DE	MILCAT LANDFILL	DOVER	D
03 PA	BLOESKES LANDFILL	WEST CALF TOWNSHIP	D
03 DE	DELAWARE CITY PVC PLANT	DELAWARE CITY	D
03 DE	LINESTONE ROAD	CONSERLAND	D
02 NY	HOOKER - 102ND STREET	NIAGARA FALLS	D
03 DE	KEM CASTLE STEEL	KEM CASTLE COUNTY	D
06 NM	UNITED NUCLEAR CORP.	CHURCH ROCK	D
06 AR	INDUSTRIAL WASTE CONTROL	FT. SMITH	D
09 CA	CELTOR CHEMICAL WORKS	HOOPA	D
04 AL	PERIDDO GROUND WATER CONTAM	PERIDDO	D
02 NY	MAXIMON BATTERY CORP.	COLD SPRING	D
03 PA	LEIGH ELECTRIC & ENG. CO.	OLD FORD BOROUGH	R
05 OH	SKINNER LANDFILL	WEST CHESTER	D
04 NC	CHEMTRONICS, INC.	SWANANOA	D
07 MO	SENANDOOE STABLES	MOSCOW MILLS	D
06 LA	BAYOU BONFOUCA	SLIDELL	D
03 VA	SALTVILLE WASTE DISPOSAL PONDS	SALTVILLE	D
03 VA	KIMBERTON	KIMBERTON BOROUGH	D
03 MO	MIDDLETON ROAD DUMP	ANNAPOLIS	D
10 WA	PESTICIDE LAB	YAKIMA	D
05 IN	LEWIS LANE LANDFILL	BLOOMINGTON	D
10 ID	ABECON (DREXLER ENTERPRISES)	BATHURST	D
03 PA	FISCHER & PORTER CO.	WAMMINSTER	R
09 CA	JERSON JONIAFO	SACRAMENTO	D
02 NJ	A. O. POLYMER	SPARTA TOWNSHIP	R
02 NJ	DOVER MUNICIPAL WELL 4	DOVER	D

: V = VOLUNTARY OR NEGOTIATED RESPONSE; R = FEDERAL AND STATE RESPONSE;
 E = FEDERAL AND STATE ENFORCEMENT; D = ACTIONS TO BE DETERMINED.
 * : STATES' DESIGNATED TOP PRIORITY SITES.

Group 9

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
02 NJ	ROCKWAY TOWNSHIP WELLS	ROCKWAY	D
06 TX	TRIANGLE CHEMICAL CO.	BRIDGE CITY	R
02 NJ	PJP LANDFILL	JESSET CITY	D
03 PA	CRAIG FARM DUMP	PARKER	D
03 PA	VOORTMAN FARM	UPPER SAUCON TWP	D
05 IL	BELVIDERE MUNICIPAL LANDFILL	BELVIDERE	D

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[S WER-FRL 2421-2]

Amendment to National Oil and Hazardous Substances Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency ("EPA") is proposing the first update to the National Priorities List ("NPL") which is promulgated today as Appendix B of the National Oil and Hazardous Substances Contingency Plan ("NCP"), pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") and Executive Order 12316. CERCLA requires that the NPL be revised at least annually, and today's notice proposes the first such revision.

DATES: Comments may be submitted on or before November 7, 1983.

ADDRESSES: Comments may be mailed to Russell H. Wyer, Director, Hazardous Site Control Division, Office of Emergency and Remedial Response (WH-548E), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The public docket for the update to the NCP will contain Hazard Ranking System score sheets for all sites on the proposed update, as well as a "Documentation Record" for each site describing the information used to compute the scores. The main docket is located in Room S-325 of Waterside Mall, 401 M Street, S.W., Washington, D.C., and is available for viewing from 9:00 a.m. to p.m., Monday through Friday, excluding holidays. Requests for copies of these documents should be directed to EPA Headquarters, although the same documents will be available for viewing in the EPA Regional Offices. In addition, the background data relied upon by the Agency in calculating or evaluating HRS scores are retained in the Regional Offices. Any such data in EPA files may be obtained upon request. An informal written request, rather than a formal request under the Freedom of Information Act, should be the ordinary procedure for requesting these data sources. Addresses for the Regional Office dockets are:

Jenifer Arns, Region I, U.S. EPA Library, John F. Kennedy Federal Bldg., Boston, MA 02203, 617/223-5791

Audrey Thomas, Region II, U.S. EPA Library, 10th Floor, New York, NY 10278, 212/264-2881

Diane McCreary, Region III, U.S. EPA Library, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, 215/597-0580

Carolyn Mitchell, Region IV, U.S. EPA Library, 345 Courtland Street NE., 404/257-4216

Lou Tilly, Region V, U.S. EPA Library, 230 South Dearborn Street, Chicago, IL 60604, 512/353-2022

Nita House, Region VI, U.S. EPA Library, First International Building, 1201 Elm Street, Dallas, TX 75270, 214/767-7341

Connier McKenzie, Region VII, U.S. EPA Library, Kansas City, MO 64106, 816/374-3497

Delores Eddy, Region VIII, U.S. EPA Library 1860 Lincoln Street, Denver, CO 80295, 303/837-2560

Jean Circiello, Region IX, U.S. EPA Library, 215 Fremont Street, San Francisco, CA 94105, 415/974-8076

Julie Sears, Region X, U.S. EPA Library, 1200 6th Avenue, Seattle, WA 98101, 206/442-1289.

FOR FURTHER INFORMATION CONTACT:

C. Scott Parrish, Hazardous Site Control Division, Office of Emergency and Remedial Response (WH-548E), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Phone (800) 424-9346 (or 382-3000 in the Washington, D.C., metropolitan area).

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. NPL Update Process and Schedule
- II. Contents of the Proposed Update
- III. Additional Criteria for Listing
- IV. Regulatory Impact Analysis
- V. Regulatory Flexibility Act Analysis

I. NPL Update Process and Schedule

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §§ 9601-9657, EPA is required to establish, as part of the National Contingency Plan (NCP) for responding to releases of hazardous substances, a National Priorities List (NPL) of sites of such releases. The NPL serves as guidance to EPA in setting priorities among sites for further investigation and possible response actions. After proposing over 400 sites for inclusion on the NPL on December 30, 1982 (47 FR 58476), EPA has established a final NPL, which is being published in today's *Federal Register* immediately preceding this update proposal. The preamble to that final list explains in more detail the purpose of the NPL, the criteria used to develop the list, and how it will be administered and

revised. The purpose of this notice is to propose the addition of 133 new sites to the NPL.

CERCLA requires that the NPL be revised at least once per year, and today's notice proposes the first such revision. EPA believes, however, that it may be desirable to update the list on a more frequent basis. Thus, the Agency may revise the NPL more often than is specified in CERCLA. For each revision, EPA will inform the States of the closing dates for submission of candidate sites to EPA. In addition to these periodic updates, EPA believes it may be desirable in rare instances to propose separately the addition of individual sites on the NPL as the Agency did in the case of the Times Beach, Missouri, site.

As with the establishment of the initial NPL, States have the primary responsibility for selecting and scoring sites that are candidates for inclusion on the NPL using the Hazard Ranking System (HRS) and submitting the candidates to the EPA Regional Offices. The regional Offices then conduct a quality control review of the States' candidate sites. After conducting this review, the EPA Regional Offices submit candidate sites to EPA Headquarters. The Regions may include candidate sites in addition to those submitted by States. In reviewing these submissions, EPA Headquarters conducts further quality assurance audits to ensure accuracy and consistency among the various EPA and State offices participating in the scoring.

EPA anticipates that each update publication will list sites in three categories: the "Current List," "Proposed Additions," and "Proposed Deletions." Sites on the "Current List" are those which have previously been proposed for listing, either in the initial NPL process or in any subsequent update proposal, and for which final scores have been established based on public comment and further investigation by EPA. In today's proposal, the "Current List" consists of the final NPL published immediately preceding this proposed update notice. As explained more fully in the preamble to the final NPL published today, once a site appears on the final "Current List," EPA does not expect to recalculate its HRS score. Although EPA does not plan to consider additional information on such sites for purposes of rescoring, the Agency always welcomes information on a site that may be useful in determining more precisely the nature of the release and what response actions may be appropriate.

"Proposed Additions" consist of sites not currently on the NPL that the Agency is proposing to add to the NPL. The "Proposed Additions" for this update are those contained in the list immediately following this preamble discussion. The Agency is requesting public comment on whether it is appropriate to add these sites to the final NPL, and may recalculate site scores based on comments received during the comment period.

"Proposed Deletions" will consist of sites on the current NPL that EPA proposes to delete because listing of the site no longer is appropriate. EPA is not today proposing to delete any sites from the NPL. The Agency will consider deleting sites on a case by case basis, according to internal EPA guidance currently being developed. Deletions may be based on such circumstances as the fact that the site has been cleaned up by EPA or the responsible party, or a determination that no fund-financed cleanup is appropriate. EPA does not anticipate, however, that deletions will be based on recalculations of a site's HRS score. The criteria for deletion under consideration by EPA are discussed more fully in the preamble to the final NPL.

II. Contents of the Proposed Update

Each entry on the final NPL, as well as proposed additions and deletions, contains the name of the facility, the State and city or county in which it is located, and the corresponding EPA Region. Each site EPA is proposing to add is placed by score in a group corresponding to the groups of 50 sites presented on the final NPL. Thus, the sites in group 1 of the proposed update have scores that fall within the range of scores covered by the first 50 sites on the final NPL. Each entry on the proposed update, as well as those on the final NPL, is accompanied by one or more notations on the status of response and enforcement activities at the site at the time the list was prepared or updated. These status categories are described briefly below.

Voluntary or Negotiated Response (V). Sites are included in this category if private parties are taking response actions pursuant to a consent order or agreement to which EPA is a party. Voluntary or negotiated cleanup may include actions taken pursuant to agreements reached after enforcement action had commenced. This category of response may include remedial investigations, feasibility studies, and other preliminary work, as well as actual cleanup.

Even though response actions qualify for notation in this category only if

sanctioned by a formal agreement, this is not intended to preclude responsible parties from taking voluntary response actions outside of such an agreement. However, in order for the site to be deleted, or to be noted in the Voluntary or Negotiated Response category, EPA must still sanction the complete cleanup. If the remedial action is not fully implemented or is not consistent with the NCP, the responsible party may be subject to an enforcement action. Therefore, most responsible parties may find it in their best interest to negotiate a consent agreement.

Federal and State Response (R). The Federal and State Response category includes sites at which EPA or State agencies have commenced or completed removal or remedial actions under CERCLA, including remedial investigations and feasibility studies (see NCP section 300.68(f)(i)). For purposes of this categorization, EPA considers the response action to have begun when EPA has obligated funds. For some of the sites in this category, remedial investigations and feasibility studies may be followed by EPA enforcement actions, at which time the site status will change to "Federal or State Enforcement."

Federal or State Enforcement (E). This category includes sites where the United States or the State has filed a civil complaint or issued an administrative order. It also includes sites at which a Federal or State court has mandated some form of no-consensual response action following a judicial proceeding. It may not, however, include all sites at which preliminary enforcement activities are underway. A number of sites that EPA is proposing to add to the NPL are the subject of enforcement investigation or have been formally referred to the Department of Justice for enforcement action. EPA's policy is not to release information concerning a possible enforcement action until a lawsuit has been filed. Accordingly, these sites have not been included in the enforcement category.

Actions to be Determined (D). This category includes all sites not listed in any other category. A wide range of activities may be in progress for sites in this category. The Agency may be considering a response action, or may be conducting an enforcement investigation. EPA may have referred a case involving a site to the Department of Justice, but no lawsuit has yet been filed. Investigations may be underway or needed to determine the source of a release in areas adjacent to or near a Federal facility. Responsible parties may be undertaking cleanup operations that are unknown to the Federal or State

government, or corrective action may not be occurring yet.

EPA requests public comment on each of the sites it is proposing to add to the NPL, and will accept such comments for 60 days following the date of this notice. A "Documentation Record" and HRS scoring sheets for all proposed sites are available for inspection and copying in the NPL docket located in Washington, D.C. These documents are also available in the EPA Regional Offices, as are background data referred to in the Documentation Records and relied on for scoring. In some instances, where States calculated site scores and EPA review and quality control checking did not require direct inspection of background data, these data may be available only from the State that conducted the original scoring. After considering the relevant comments received during the comment period and determining the final score for each proposed site, the Agency will add to the current NPL at the time of the next update all sites that meet EPA's criteria for listing.

III. Additional Criteria for Listing

The preamble to the proposed NPL (47 FR 58476, December 30, 1982) stated that the more than 400 sites on the proposed list were included based primarily on total scores ("migration" or "S_m" scores) calculated according to the HRS. For the proposed NPL, all sites (with the exception of some sites designated by States as "top priority" sites) scored 28.50 or higher according to the HRS.

EPA has found that the HRS scoring factors provide a good estimate of the relative hazards at sites for purpose of establishing a list of national priorities for further investigation and possible remedial action. As explained in the preamble to the proposed NPL (47 FR 58479, December 30, 1982) and the preamble to the NCP which discusses the HRS (47 FR 31187-88, July 16, 1982), the HRS total score used for the NPL is designed to take into account a standard set of factors related to risks from migration of substances through ground water, surface water, and the air. Although the HRS also does provide an approximation of risk from direct contact with substances and from the possibility of fire and explosion, these pathway scores are not considered in computing the HRS "total score" of a site for purposes of listing. Rather, scores from the direct contact and fire and explosion pathways are used as guidance in determining the need for immediate removal action at a site.

EPA has found, however, that in certain instances EPA's authority to

conduct an immediate removal action may not be sufficient to address completely the direct contact risks at a site, and that remedial action may therefore be warranted. For example, where relocation of residents is the appropriate remedy, the Agency's removal authority extends only to evacuation of threatened residents, whereas its remedial authority may include permanent relocation of those residents. Although EPA can take removal actions, including temporary relocation of residents, irrespective of whether a site appears on the NPL, the NCP (40 CFR 300.68(a)) provides that remedial actions may be taken only at sites on the NPL.

Since the "direct contact" scores are not included in calculating the HRS total score for purposes of listing sites on the NPL, some of the sites involving direct contact to residents where remedial action, rather than immediate removal action, appears necessary to address the problem completely may not receive a sufficiently high HRS total score to be listed on the NPL. This situation has led EPA to believe that in limited circumstances it may be appropriate to consider other criteria than simply a sufficiently high HRS total score for purposes of listing sites on the NPL to make them eligible for remedial action.

Quail Run Mobile Manor, Gray Summit, Missouri, is an example of a site that presents a significant risk to the public that may warrant remedial action, although its HRS total score is too low for the site to be included on the NPL. During the winter of 1982-1983, the EPA conducted environmental sampling at Quail Run as part of its investigation of a number of sites in the State of Missouri that were potentially contaminated with dioxin. The investigation of the Quail Run site revealed widespread dioxin contamination of yards, roadsides, and garden areas, as well as high concentrations under the road pavement and presence in at least one residence.

In the case of Quail Run, EPA believes that a number of factors suggest that it may be appropriate to consider including the site on the NPL even though its HRS total score is less than 28.50. First, based on EPA's sampling, the Centers for Disease Control (CDC) on May 11, 1983 issued a public health advisory for the trailer park. This advisory was based on the risk to residents posed by direct contact with the contaminated areas. Second the Federal Emergency Management Agency determined that temporary relocation of the residents was necessary to protect public health,

based on the CDC advisory and its determination that the possible human exposure would continue unless the residents left their homes. Finally, EPA's current assessment is that some type of remedial action—as opposed to an immediate removal action—may be the most health-protective and cost-effective response.

Therefore, EPA is proposing to add the Quail Run site to the NPL. Including the Quail Run site on the NPL will permit EPA to consider the broadest possible range of response actions, including remedial actions, that will protect the public health and environment and provide the most cost-effective response.

EPA recognizes, however, that the sole criterion in the NCP for listing sites on the NPL is a sufficiently high HRS total score (or designation by a State as its top priority site). Before EPA includes the Quail Run site on the NPL, therefore, the Agency intends to amend the NCP to authorize consideration of limited criteria other than the HRS total score for purposes of including sites on the NPL. These alternative criteria would take into account circumstances such as those existing at the Quail Run site.

In preparing a proposed amendment to the NCP, EPA will consider the advisability of relying in part on health assessments or advisories such as those issued by the newly formed Agency for Toxic Substances and Disease Registry (ATSDR) or special information from the Federal Emergency Management Agency. Such information could serve as the technical basis for an EPA advisory committee review and subsequent administrative decision on the relative risk of the site. A related approach, for situations where persons at different locations are affected by the risks of direct contact from common substances (such as dioxin), might be to group such sites by geography or political subdivision on the NPL. For example, EPA might develop some process whereby many of the locations in Missouri involving direct contact risks from dioxin could be grouped into a single listing on the NPL if a suitable health assessment or advisory had been issued by an agency such as ATSDR with respect to those locations. Of course, this approach could also apply to similar dioxin risks in other States or territories.

EPA anticipates, however, that any alternative criteria it may develop will apply only to a limited number and type of sites. With rare exception, the HRS has proven to be an effective tool for approximating the risk posed by sites, and will remain the principal criterion

for listing. EPA invites comments on the general issue of considering alternative criteria for listing on the NPL and on approaches such as those discussed above, as well as on the inclusion of the Quail Run site.

IV. Regulatory Impact Analysis

The EPA has conducted a preliminary analysis of the economic implications of today's amendment to the NCP. The EPA believes that the direction of the economic effects of this revision is generally similar to those effects identified in the regulatory impact analysis (RIA) prepared in 1982 for the revisions to the NCP pursuant to section 105 of CERCLA.¹ Nevertheless, the Agency intends to go beyond this earlier characterization of possible effects with a more extensive analysis of the combined economic impact of this update proposal and other amendments to the NCP that EPA may propose in the near future. The analysis will accompany publication of future major amendments to the NCP. A more comprehensive examination, together with more than 2 years of experience with the Superfund program, will allow better estimates of the economic impact of this and other proposed amendments. In the meantime, the Agency believes the anticipated economic effects of adding 133 sites to the NPL can be characterized in terms of the conclusions of the earlier regulatory impact analysis.

Costs

The costs associated with revising the NCP that were estimated in the 1982 RIA included costs to States of meeting cost-share requirements; costs to industries and individual firms of financing remedies at NPL sites as a result either of enforcement or cost recovery action or of voluntary response; and macroeconomic costs resulting from effects on industries and State governments. Each of these types of costs is discussed below.

Costs to States associated with today's amendment arise from the statutory State cost-share requirement of 10 percent of remedial action costs at privately-owned sites. Using the assumptions developed in the 1982 RIA, we can assume that 90 percent of the 133 sites proposed for listing in this amendment will involve a 10 percent State cost share, and 10 percent will

¹ TCF Incorporated, Regulatory Impact Analysis of the Revisions to the National Oil and Hazardous Substances Contingency Plan, February 16, 1982. The analysis is available for inspection at the U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

involve a 50 percent cost share at publicly-owned sites. Estimating the average costs of a remedial action at \$6.5 million, the cost to all States of undertaking Federal remedial actions at all 133 sites would be \$121 million.

Cost to industry could result from required financing of remedies at sites on the NPL under enforcement or cost recovery action. Firms could also be induced to respond to sites for which they are responsible as a prudent business action to avoid possible enforcement actions and to prevent adverse publicity if they are linked to hazardous waste sites that are now national priority targets. Precise estimates must await the full analysis to be conducted; however, the range of costs would extend from zero (if none of the 133 sites is addressed) to a maximum of \$865 million (if the 133 sites are privately-owned and each remedial action costs an average of \$6.5 million). The EPA cannot identify at this time which firms may be threatened with specific portions of response costs. The act of adding a hazardous waste site to the NPL does not itself cause firms responsible for that site to bear these costs. Instead, listing acts only as a potential trigger for subsequent enforcement, cost recovery, or voluntary remedial efforts. Moreover, it remains at EPA's discretion whether or not to proceed with enforcement actions against firms which may be adversely affected by such actions.

Economy-wide effects of this amendment are aggregations of effects on firms and State and local governments. Although effects could be felt by some individual firms and States, the total impact of this revision on output, prices, and employment is

expected to be negligible at the national level, as was the case in the 1982 RIA.

Benefits

Associated with the costs are significant potential benefits and cost offsets. The distributional costs to firms of financing NPL remedies have corresponding "benefits" in that each dollar expended for a response puts someone to work directly or indirectly (through purchased materials).

The real benefits associated with today's amendment come in the form of increased health and environmental protection as a result of additional response actions at hazardous waste sites. In addition to the potential for more Federally-financed remedial actions, expansion of the NPL could accelerate privately-financed, voluntary cleanup efforts to avoid potential adverse publicity, torts, and/or enforcement action. Listing sites as national priority targets may also give States increased support for funding responses at particular sites.

As a result of the additional NPL remedies, there will be lower human exposure to high-risk chemicals, and higher quality surface water, ground water, soil, and air. The magnitude of these benefits is expected to be significant, although difficult to estimate. As an example of a rough calculation, the 1982 RIA estimated that the population potentially at risk from contamination of ground water, soil, and air would be reduced by approximately 1.8 million, 600,000, and 97,000 respectively, if remedial actions were taken at 170 NPL sites. Assuming an average estimate per NPL site of 10,000 people at risk of exposure to contaminated ground water, response actions at the 133 sites to be listed by

this revision could result in a reduced risk of exposure to ground water contamination for up to 1.3 million people.

V. Regulatory Flexibility Act Analysis

As required by the Regulatory Flexibility Act of 1980, the Agency has reviewed the impact of this revision to the NCP on small entities. The EPA certifies that the revision will not have a significant impact on a substantial number of small entities.

While modifications to the NPL are considered revisions to the NCP, they are not typical regulation changes since the change does not automatically impose across-the-board costs. As a consequence, it is hard to predict effects. The Agency does expect that certain industries and firms within industries that have caused a proportionally high percentage of waste site problems will possibly be significantly affected by CERCLA actions. Being included on the NPL will increase the likelihood that these effects will occur. The costs, when imposed to these affected firms and industries, are justified because of the public health and environmental problems they have caused. Adverse effects are not expected to affect a substantial number of small businesses, as a class.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

PART 300—[AMENDED]

It is proposed to amend Appendix B of 40 CFR Part 300 by adding the following sites to the National Priorities List:

BILLING CODE 6560-50-M

Appendix B—National Priorities List

Group 1

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
03 PA	TYSONS DUMP	UPPER MERION TWP	R
08 MT	EAST HELENA SMELTER	EAST HELENA	D
06 TX	GENEVA INDUSTRIES (FUHRMANN)	HOUSTON	R E
02 NJ	VINELAND CHEMICAL CO.	VINELAND	V E
02 NJ	FLORENCE LAND RECONTOURING LF	FLORENCE TOWNSHIP	V E
02 NJ	SHIELDALLOY CORP.	NEWFIELD BOROUGH	E
05 WI	OMEGA HILLS NORTH LANDFILL	GERMANTOWN	V E
05 OH	UNITED SCRAP LEAD CO., INC.	TROY	D

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* = STATES' DESIGNATED TOP PRIORITY SITES;

NOTE: GROUP REFERS TO THE NPL GROUP WITH SIMILAR HRS SCORES;

Group 2

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
05 WI	JANESVILLE OLD LANDFILL	JANESVILLE	D
04 SC	INDEPENDENT NAIL CO.	BEAUFORT	D
04 SC	KALAMA SPECIALTY CHEMICALS	BEAUFORT	E
05 WI	JANESVILLE ASH BEDS	JANESVILLE	D
05 OH	MIAMI COUNTY INCINERATOR	TROY	D
05 WI	WHEELER PIT	LA PRAIRIE TOWNSHIP	D
02 NY	HUDSON RIVER PCBS	HUDSON RIVER	D
01 CT	OLD SOUTHLINGTON LANDFILL	SOUTHLINGTON	V E
04 MS	FLOWOOD *	FLOWOOD	D

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Group 3

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
10 ID	UNION PACIFIC RAILROAD CO.	POCATELLO	E
04 AL	CIBA-GEIGY CORP. (MCINTOSH PLANT)	MCINTOSH	D
05 MN	ST. REGIS PAPER CO.	CASS LAKE	V
04 GA	HERCULES 009 LANDFILL	BRUNSWICK	D
05 MN	MACGILLIS & GIBBS/BELL & POLE	NEW BRIGHTON	D
05 WI	MUSKEGO SANITARY LANDFILL	MUSKEGO	D
02 NJ	VENTRON/VELSICOL	WOODRIDGE BOROUGH	E
04 SC	KOPPERS CO., INC. (FLORENCE PLANT)	FLORENCE	E
02 NJ	NASCOLITE CORP.	MILLVILLE	E
05 MN	BOISE CASCADE/ONAN/MEDTRONICS	FRIDLEY	D
02 NJ	DELILAH ROAD	EGG HARBOR TOWNSHIP	E
03 PA	MILL CREEK DUMP	ERIE	R
05 WI	SCHMALZ DUMP	HARRISON	D
08 CO	LOWRY LANDFILL	ARAPAHOE COUNTY	E

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Group 4

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
04 SC	WAMCHEM, INC.	BURTON	D
02 NJ	CHEMICAL LEAMAN TANK LINERS, INC.	BRIDGEPORT	E
05 WI	MASTER DISPOSAL SERVICE LANDFILL	BROOKFIELD	E
02 NJ	W. R. GRACE CO. (WAYNE PLANT)	WAYNE TOWNSHIP	D
04 SC	LEONARD CHEMICAL CO., INC.	ROCK HILL	V
04 AL	STAUFFER CHEM. (COLD CREEK PLANT)	BUCKS	D
04 GA	OLIN CORP. (AREAS 1, 2 & 4)	AUGUSTA	V
05 OH	SOUTH POINT PLANT	SOUTH POINT	D
03 PA	DORNEY ROAD LANDFILL	UPPER MACUNGIE TWP	D
05 IN	NORTHSIDE SANITARY LANDFILL	ZIONSVILLE	E
09 CA	ATLAS ASBESTOS MINE	FRESNO COUNTY	E
09 CA	COALINGA ASBESTOS MINE	COALINGA	D
02 NJ	EWAN PROPERTY	SHAMONG TOWNSHIP	D
10 ID	PACIFIC HIDE & FUR RECYCLING CO.	POCATELLO	R E
05 MN	JOSLYN MFG. & SUPPLY CO.	BROOKLYN CENTER	D
05 MN	ARROWHEAD REFINERY CO.	HERMANTOWN	D
05 WI	MOSS-AMERICAN (KERR-MCGEE OIL CO.)	MILWAUKEE	D

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NOTE: GROUP REFERS TO THE NPL GROUP WITH SIMILAR HRS SCORES;

Group 5

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
01 MA	IRON HORSE PARK	BILLERICA	D
05 WI	KOHLER CO. LANDFILL	SHEBOYGAN	D
05 IN	REILLY TAR & CHEMICAL CORP.	INDIANAPOLIS	D
05 WI	LAUER I SANITARY LANDFILL	MENOMONEE FALLS	E
05 MN	UNION SCRAP	MINNEAPOLIS	D
02 NJ	RADIATION TECHNOLOGY, INC.	ROCKAWAY TOWNSHIP	E
05 WI	ONALASKA MUNICIPAL LANDFILL	ONALASKA	D
05 MN	NUTTING TRUCK & CASTER CO.	FARIBAULT	D
02 PR	VEGA ALTA PUBLIC SUPPLY WELLS	VEGA ALTA	D
05 MI	STURGIS MUNICIPAL WELLS	STURGIS	D
05 MN	WASHINGTON COUNTY LANDFILL	LAKE ELMO	R
09 CA	SAN GABRIEL AREA 1	EL MONTE	D
09 CA	SAN GABRIEL AREA 2	BALDWIN PARK AREA	D
06 TX	PIG ROAD	NEW WAVERLY	D
02 PR	UPJOHN FACILITY	BARCELONETA	V
03 PA	HENDERSON ROAD	UPPER MERION TWP	D
06 LA	PETRO-PROCESSORS	SCOTLANDVILLE	E
03 PA	INDUSTRIAL LANE LANDFILL	WILLIAMS TOWNSHIP	D
03 PA	EAST MOUNT ZION	SPRINGETTSBURY TWP	D
02 NY	GENERAL MOTORS-CENT. FOUNDRY DIV.	MASSENA	D
03 DE	OLD BRINE SLUDGE LANDFILL	DELAWARE CITY	D
05 MN	WHITTAKER CORP.	MINNEAPOLIS	D

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Group 6

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
01 CT	KELLOGG-DEERING WELL FIELD	NORWALK	V E
04 AL	OLIN CORP. (MCINTOSH PLANT)	MCINTOSH	V
04 FL	TRI-CITY OIL CONSERVATIONIST, INC.	TEMPLE TERRACE	D
05 WI	NORTHERN ENGRAVING CO.	SPARTA	D
01 NH	KEARSAGE METALLURGICAL CORP.	CONWAY	V E
04 SC	PALMETTO WOOD PRESERVING	DIXIANNA	E
05 MN	MORRIS ARSENIC DUMP	MORRIS	D
05 MN	PERHAM ARSENIC	PERHAM	D
01 NH	SAVAGE MUNICIPAL WATER SUPPLY	MILFORD	D
05 IN	POER FARM	HANCOCK COUNTY	R
06 TX	UNITED CREOSOTING CO.	CONROE	D
05 WI	CITY DISPOSAL CORP. LANDFILL	DUNN	D
02 NJ	TABERNACLE DRUM DUMP	TABERNACLE TWP	D
02 NJ	COOPER ROAD	VOORHEES TOWNSHIP	D
04 FL	CABOT-KOPPERS	GAINESVILLE	D

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Group 7

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #
05 MN	GENERAL MILLS/HENKEL CORP.	MINNEAPOLIS	R
09 CA	DEL NORTE PESTICIDE STORAGE	CRESCENT CITY	D
02 NJ	DE REWAL CHEMICAL CO.	KINGWOOD TOWNSHIP	D
04 GA	MONSANTO CORP. (AUGUSTA PLANT)	AUGUSTA	D
01 NH	SOUTH MUNICIPAL WATER SUPPLY WELL	PETERSBOROUGH	D
05 WI	EAU CLAIRE MUNICIPAL WELL FIELD	EAU CLAIRE CITY	D
04 GA	POWERSVILLE	PEACH COUNTY	D
05 MI	METAMORA LANDFILL	METAMORA	D
02 NJ	DIAMOND ALKALI CO.	NEWARK	R
02 PR	FIBERS PUBLIC SUPPLY WELLS	JOBOS	D
05 WI	MID-STATE DISPOSAL, INC., LANDFILL	CLEVELAND TOWNSHIP	E
08 CO	BRODERICK WOOD PRODUCTS	DENVER	D
02 NJ	WOODLAND ROUTE 532 DUMP	WOODLAND TOWNSHIP	D
05 IN	AMERICAN CHEMICAL SERVICE	GRIFFITH	D
05 WI	LEMBERGER TRANSPORT & RECYCLING	FRANKLIN TOWNSHIP	E
10 WA	QUEEN CITY FARMS	MAPLE VALLEY	D
05 WI	SCRAP PROCESSING CO., INC.	MEDFORD	D
02 NJ	HOPKINS FARM	PLUMSTEAD TOWNSHIP	D
02 NJ	WILSON FARM	PLUMSTEAD TOWNSHIP	R
06 OK	COMPASS INDUSTRIES	TULSA	R
09 CA	KOPPERS CO., INC. (OROVILLE PLANT)	OROVILLE	E
03 PA	WALSH LANDFILL	HONEYBROOK TWP	D
02 NJ	UPPER DEERFIELD TOWNSHIP SLF	UPPER DEERFIELD TWP	E

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Group 8

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #	
01 MA	SULLIVAN'S LEDGE	NEW BEDFORD		D
05 IN	BENNETT STONE QUARRY	BLOOMINGTON	R	
04 AL	STAUFFER CHEM. (LE MOYNE PLANT)	AXIS		D
04 SC	GEIGER (C&M OIL)	RANTOULES		D
05 WI	WASTE RESEARCH & RECLAMATION CO.	EAU CLAIRE	V	E
04 FL	PEPPER STEEL & ALLOYS, INC.	MEDLEY	V R	E
05 MN	ST. LOUIS RIVER	ST. LOUIS COUNTY		D
03 PA	BERKS SAND PIT	LONGSWAMP TOWNSHIP		D
04 FL	HIPPS ROAD LANDFILL	DUVAL COUNTY	R	
05 WI	OCONOMOWOC ELECTROPLATING CO.	ASHIPPIN		E
08 CO	LINCOLN PARK	CANON CITY		D
02 NJ	WOODLAND ROUTE 72 DUMP	WOODLAND TOWNSHIP		D
10 OR	UNITED CHROME PRODUCTS, INC.	CORVALLIS		D
02 NJ	LANDFILL & DEVELOPMENT CO.	MOUNT HOLLY	V	E
03 PA	TAYLOR BOROUGH DUMP	TAYLOR BOROUGH		D
05 OH	POWELL ROAD LANDFILL	DAYTON		D
05 MI	BURROWS SANITATION	HARTFORD	R	
10 WA	ROSCH PROPERTY	ROY		D

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Group 9

EPA REG ST	SITE NAME *	CITY/COUNTY	RESPONSE STATUS #	
05 WI	DELAVAN MUNICIPAL WELL #4	DELAVAN		D
09 CA	SAN GABRIEL AREA 3	ALHAMBRA		D
09 CA	SAN GABRIEL AREA 4	LA PUENTE		D
10 WA	AMERICAN LAKE GARDENS	TACOMA	R	
10 WA	GREENACRES LANDFILL	SPOKANE COUNTY		D
06 OK	SAND SPRINGS PETROCHEMICAL	SAND SPRINGS	R	
07 MO	QUAIL RUN MOBILE MANOR	GRAY SUMMIT	R	

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