

of the Federal delegation for NSPS under section 111 will continue to be, as has been the case in the past, the EPA's letter of approval of the State's request for the NSPS delegation update.

The Title V **Federal Register** notice (see 59 FR 59656-59660, (November 18, 1994)) outlined the State's plans to continue to incorporate by reference the Federal section 112 requirements regarding hazardous air pollutants into the New Mexico Air Quality Control Regulations, and stated that the NMED's request for approval of the part 70 program is also a request for approval of a program for delegation of unchanged section 112 standards. Based on approval of NMED's procedural mechanism for adopting Federal section 112 standards through incorporation by reference into the State's Part 70 Operating Permit Program, the EPA can continue to update the State's delegation of section 112 standards along with the update of section 111 NSPS. The effective date of the delegation for unchanged Federal standards under section 112 is the effective date of the State's rule after its adoption. In this case, the effective date is June 19, 1996.

Since review of the pertinent New Mexico laws, rules, and regulations showed them to be adequate for the implementation and enforcement of the aforementioned category of NSPS and NESHAP, EPA is delegating full authority to the State for NSPS and NESHAP standards promulgated from February 1, 1995, through April 1, 1996, and authority for the technical and administrative review of new or amended NSPS and NESHAP promulgated by the EPA, subject to conditions and limitations of the original delegation agreement dated March 15, 1985. It is important to note that no delegation authority is granted to the NMED for Bernalillo County and Indian lands. Also, no authority is delegated to the State for 40 CFR part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters and for 40 CFR part 61 for the radionuclide NESHAP's. Specifically, the subparts for which delegation is excluded are subpart B (National Emission Standards for Radon—222 Emissions from Underground Uranium Mines), subpart H (National Emission Standards for Radionuclide Emissions from Department of Energy Facilities), subpart I (National Emission Standards for Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission and Federal Facilities not covered by subpart H), subpart K—(National Emission Standards for Radionuclide Emissions

from Elemental Phosphorus Plants), subpart R (National Emission Standards for Radon Emissions from Phosphogypsum Stacks), and subpart W (National Emission Standards for Radon—222 Emissions from Licensed Uranium Mill Tailings).

All of the information required pursuant to the Federal NSPS and NESHAP (40 CFR parts 60 and 61) should be submitted by sources located outside the boundaries of Bernalillo County and in areas outside of Indian lands, directly to the NMED, Harold Runnels Building, Room So. 2100, St. Francis Drive, Santa Fe, New Mexico 87502. Albuquerque/Bernalillo County is excluded from this action because this area is granted delegation authority under AQCR 30 NSPS and 31 NESHAP to the City of Albuquerque's Environmental Health Department. Sources located on Indian lands in the State of New Mexico should submit required information to EPA Region 6 office at the address given in this notice. All of the inquiries and requests concerning implementation and enforcement of the excluded standards under 40 CFR part 60, subpart AAA and 40 CFR part 61, subparts B, H, I, R, and W, in the State of New Mexico should be directed to the EPA Region 6 Office.

The Office of Management and Budget has exempted this information notice from requirements of section 6 of Executive Order 12866.

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### **List of Subjects**

##### **40 CFR Part 60**

Environmental protection, Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Fossil-Fuel steam generators, Glass and glass products, Grain, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper industry, Petroleum phosphate, Fertilizer, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

##### **40 CFR Part 61**

Air pollution control, Asbestos, Benzene, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

**Authority:** This notice is issued under the authority of sections 101, 111, 112 and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7411, 7412 and 7601).

Dated: September 24, 1997.

**Jerry Clifford,**

*Acting Regional Administrator.*

[FR Doc. 97-27126 Filed 10-10-97; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 300**

[FRL-5908-2]

#### **National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List Update**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Frit Industries Superfund Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Frit Industries Superfund site located in Walnut Ridge, Arkansas, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The EPA, in consultation with the Arkansas Department of Pollution Control and Ecology, has determined that all appropriate RCRA response activities conducted at the site to date and scheduled in the future are enforceable and have been and will remain protective of the public health, welfare, and the environment. Moreover, this deferral to RCRA corrective action authorities is appropriate.

**EFFECTIVE DATE:** October 14, 1997.

**ADDRESSES:** The comprehensive information on the site is available at the local information repositories located at: Felix Goodson Library, Williams Baptist College, Walnut Ridge, Arkansas 72446. The telephone number for the hours of operation at Felix Goodson Library is (501) 886-6741. Requests for comprehensive copies of documents should be directed formally to the Arkansas Department of Pollution Control and Ecology, Attn: Mr. Clark McWilliams, RCRA State Project Manager, 8001 National Drive, Little Rock, Arkansas 72219. Mr. McWilliams' telephone number is (501) 682-0850 for additional information.

**FOR FURTHER INFORMATION CONTACT:**

Ernest R. Franke, Remedial Project Manager, US EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8521.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is the Frit Industries Site, Walnut Ridge, Arkansas. A Notice of Intent to Delete for this site was published in the **Federal Register** on July 25, 1997 (62 FR 40029). The closing date for public comment was August 25, 1997. The EPA received no comments during the comment period. The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of the most serious of those sites. Sites on the NPL may be the subject of remedial response actions financed using the Hazardous Substance Response Trust Fund (Fund). Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP, provides that in the event of a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response actions.

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

Environmental protection, Hazardous waste, Intergovernmental relations, Superfund.

Dated: September 30, 1997.

**Jerry Clifford,**

*Acting Regional Administrator, Region 6.*

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

**PART 300—[AMENDED]**

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

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

**Appendix B—[Amended]**

2. Table 1 of Appendix B to part 300 is amended by removing the site for "Frit Industries, Walnut Ridge, Arkansas".

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 285**

[I.D. 100697B]

**Atlantic Tuna Fisheries; Recreational Fishery Adjustments**

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

**ACTION:** Quota adjustment; fishery reopening; catch limit adjustment.

**SUMMARY:** NMFS adjusts the Angling category subquota for large school/small medium Atlantic bluefin tuna (ABT) fishery by transferring 10 mt from the Angling category subquota for school ABT, for a revised Angling category subquota of 161 mt for the large school/small medium size classes. NMFS reopens the Angling category fishery for large school and small medium ABT in the northern area (New Jersey and states north). The daily catch limit for the reopening is two large school ABT and one small medium ABT per vessel. This action is being taken to ensure reasonable fishing opportunities in the northern area without risking overharvest of this category.

**DATES:** The quota and catch limit adjustments, and fishery reopening are effective October 10, 1997, until 11:30 pm, October 19, 1997, or any prior date of closure or adjustment as necessary, to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Chris Rogers, 301-713-2347, or Mark Murray-Brown, 978-281-9260.

**SUPPLEMENTARY INFORMATION:** Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

Under the implementing regulations at 50 CFR 285.22(f), the Assistant Administrator for Fisheries, NOAA (AA), has the authority to make adjustments to quotas involving transfers between categories after considering certain factors. The AA is authorized to make adjustments to quotas involving transfers between categories if, during a single year quota period, it is determined, based on

landing statistics, present year catch rates, effort, and other available information, that any category, is not likely to take its entire quota as previously allocated for that year.

Given that determination, the AA may transfer inseason any portion of the quota of any fishing category to any other fishing category or to the reserve after considering the following factors: (1) The usefulness of information obtained from catches of the particular category of the fishery for biological sampling and monitoring the status of the stock, (2) the catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made, (3) the projected ability of the particular gear segment to harvest the additional amount of Atlantic bluefin tuna before the anticipated end of the fishing season, and (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded.

**Angling Category Quota Adjustment**

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 108 mt of school ABT and 151 mt of large school/small medium ABT to be harvested from the regulatory area by vessels fishing under the Angling category quota during calendar year 1997 (62 FR 35107, June 30, 1997). The school ABT quota is further subdivided into 51 mt for the waters off Delaware and states south and 57 mt for the waters off New Jersey and states north. The large school/small medium ABT quota is further subdivided into 71 mt for the waters off Delaware and states south and 80 mt for the waters off New Jersey and states north.

Based on preliminary catch estimates, NMFS closed the large school/small medium ABT fishery for the southern area on July 20, 1997 (62 FR 35447, July 1, 1997) and for the northern area on October 1, 1997 (62 FR 50887, September 29, 1997). Information collected by NMFS from dockside and telephone surveys through September 28, 1997, indicates that about 11 mt of school ABT and 8 mt of large school/small medium ABT remain of the northern area subquotas. In order to provide for a reasonable opportunity to harvest the Angling category quota and collect scientific information needed to monitor the ABT stock, NMFS has determined that a reopening is warranted.

After considering the previously cited factors for making transfers between categories, the risk of overharvest of school bluefin which are subject to an