

included carbon black, scrap rubber and tires, scrap hydraulic oil, lubricating oil, floor sweepings, rejected product material, trash, wood, paper packaging, and cements containing solvents.

In 1979, "hazardous wastes" defined by the Resource Conservation and Recovery Act were no longer disposed of in the landfill. However, General Tire continued to dispose of "non-hazardous" wastes from the plant until late 1984, under a permit issued by the KYDEP. KYDEP approved a closure plan for the landfill in 1985. The plan consisted of covering the trenches with two feet of clean soil, and monitoring the groundwater for a two year period after construction of the cover was properly completed. The landfill was covered and seeded in the fall of 1985.

After completing a preliminary assessment and site investigation, EPA proposed the landfill for inclusion on the National Priorities List (NPL) in June 1988. In February 1990, the site was added to the NPL.

In December 1989, General Tire and EPA entered into an Administrative Order by Consent for performance of a Remedial Investigation/Feasibility Study (RI/FS). The RI/FS was started in October 1990 and completed in May 1993.

After careful evaluation of all the exposure routes, estimated carcinogenic and non-carcinogenic health risks, and ecological impacts, EPA concluded that the landfill does not pose an unacceptable risk to the environment or to human health and welfare.

Operation of the plant wells has significantly limited the migration and potential human and environmental exposure to any contaminants that may have been released from the landfill into the groundwater. Since migration of contaminants through the groundwater is the primary mechanism by which the landfill can impact human health or the environment, EPA believes that the plant wells have provided a significant level of protection by capturing those contaminants released into the groundwater. The landfill does not pose a threat to human health or the environment provided the plant wells continue to operate. However, based on known characteristics of the aquifer, EPA is concerned that environmental conditions at the site may become worse if General Tire's plant wells cease operating. Consequently, an evaluation of the groundwater will be necessary in the future to determine the landfill's impact on the shallow aquifer without the influence of the plant wells. EPA deferred this site to the Commonwealth of Kentucky, Department for Environmental Protection for continued

monitoring of the site and future evaluation of the groundwater upon shut down of the General Tire plant wells.

Based on the data collected in the Remedial Investigation and the health risks estimated in the Baseline Risk Assessment, EPA selected a no-further-action remedy in the Record of Decision issued on October 1, 1993.

The KYDEP did not concur with EPA's remedy selection, or subsequent request for NPL deletion. In the years following the ROD, KYDEP conducted a follow-up groundwater study which did not show any significant worsening conditions in the groundwater. Currently, KYDEP continues to monitor groundwater at the site through a groundwater monitoring plan performed by Continental General Tire Inc (the potentially responsible party). Based on the additional groundwater data collected, EPA requested KYDEP to reconsider its position on NPL deletion. On April 27, 2000, KYDEP agreed that the NPL listing could be removed.

#### V. Action

The Environmental Protection Agency and the Kentucky Department for Environmental Protection agrees that no further CERCLA action is necessary and that the site does not pose a threat to human health and the environment. KYDEP will continue to monitor the groundwater, and in the event of a significant future release of contamination that may impact human health or the environment, EPA may initiate appropriate CERCLA actions in accordance with the NCP.

#### VI. State Concurrence

The Commonwealth of Kentucky, in a letter dated April 27, 2000, concurs with EPA that the criteria for deletion of the NPL listing have been met. Therefore, EPA is deleting the General Tire Landfill site from the NPL, effective on October 27, 2000. However, if EPA receives dissenting comments by September 28, 2000, EPA will publish a document that withdraws this action.

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

Environmental protection, Chemicals, Hazardous substances, Hazardous wastes, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: August 9, 2000.

**A. Stanley Meiburg,**  
*Acting Regional Administrator,*  
*EPA Region 4.*

Part 300, title 40 of chapter I of the Code of Federal Regulations 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.; 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 "General Tire & Rubber (Mayfield Landfill) Mayfield, Kentucky".

[FR Doc. 00–21373 Filed 8–25–00; 8:45 am]

BILLING CODE 6560–50–U

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Health Care Financing Administration

#### 42 CFR Part 457

[HCFA–2114–CN]

RIN 0938–AI65

#### State Child Health; State Children's Health Insurance Program Allotments and Payments to States; Correction

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a typographical error that appeared in the final rule concerning the State Children's Health Insurance Program published in the **Federal Register** on May 24, 2000.

**EFFECTIVE DATE:** This correction is effective June 23, 2000.

**FOR FURTHER INFORMATION CONTACT:** Richard Strauss, (410) 786–2019.

**SUPPLEMENTARY INFORMATION:** On May 24, 2000, we published a final rule in the **Federal Register** (65 FR 33616) that sets forth the methodologies and procedures to determine the Federal fiscal year allotments of Federal funds available to individual States, Commonwealth and Territories for the new State Children's Health Insurance Program established under title XXI of the Social Security Act. This document corrects the error made in this final rule.

In rule FR Doc. 00–12879 published on May 24, 2000, make the following correction.

#### § 457.218 [Corrected]

On page 33625, in column 1, in § 457.218(b) "22 percent" is corrected to read "2½ percent".

(Section 1102 of the Social Security Act (41 U.S.C. 1302)

(Catalog of Federal Domestic Assistance Program No. 00.000, State Children's Health Insurance Program)

Dated: August 18, 2000.

**Brian P. Burns,**

*Deputy Assistant Secretary for Information Resources Management.*

[FR Doc. 00-21762 Filed 8-25-00; 8:45 am]

BILLING CODE 4120-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Part 27

[USCG 1998-4445]

RIN 2115-AF66

#### Fire Protection Measures for Towing Vessels

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes a few changes to the fire-protection measures for towing vessels that were implemented by an interim rule in this rulemaking published on October 19, 1999. It makes them because of the public comments submitted in response to that rule. The changes clarify the requirements for fuel shut-off valves, fuel-tank vents, the design of fire-detection systems for engine rooms, and safety orientations.

**DATES:** *Effective Date:* This final rule is effective September 27, 2000.

**ADDRESSES:** The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this rule, contact Randall Eberly, Office of Design and Engineering Standards (G-MSE), Coast Guard, telephone 202-267-1861, electronic mail [Reberly@comdt.uscg.mil](mailto:Reberly@comdt.uscg.mil). For questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

On January 19, 1996, the tugboat *Scandia*, with the tank barge *North*

*Cape* in tow, caught fire five miles off the coast of Rhode Island. Crewmembers could not control the fire and, without power, they were unable to prevent the barge carrying 4 million gallons of oil from grounding and spilling about a quarter of its contents into the coastal waters. The *North Cape* spill led Congress to add, by § 902 of the 1996 Coast Guard Authorization Act [Pub. L. 104-324] (the Authorization Act), a new subsection, (f), to 46 U.S.C. 4102, to permit the Secretary of Transportation—"in consultation with the Towing Safety Advisory Committee" (TSAC)—to require fire-suppression measures on all towing vessels. We published a notice of proposed rulemaking (NPRM) on safety of towing vessels and tank barges [CGD 97-064] [RIN 2115-AF53] on October 6, 1997 (62 FR 52057). Afterward, we divided the rulemaking to address fire-suppression systems and fire-protection measures separately. We issued an interim rule [USCG 1998-4445] [RIN 2115-AF66] on October 19, 1999 (64 FR 56257), to implement certain fire-protection measures for towing vessels. We plan to issue a supplemental notice of proposed rulemaking (SNPRM) on fire-suppression systems and voyage planning for towing vessels [USCG 2000-6931] [RIN 2115-AF53] later this year.

#### Statutory Mandate

Section 902 of the Authorization Act gave the Coast Guard the authority to require "the installation, maintenance, and use of a fire suppression system or other measures . . . on board towing vessels." However, for vessels that tow non-self-propelled tank vessels, the Authorization Act did not just give the Coast Guard the authority; it mandated that the Coast Guard require these measures. The measures that the Coast Guard is requiring in this rule are based, in part, on recommendations from the TSAC.

#### Regulatory Approach

The interim rule prescribed that most towing vessels be fitted with—

- General alarms,
- Fire-detection systems for engine rooms,
- Internal-communication systems, and
- Remote fuel shut-off valves.

Furthermore, these vessels must conduct fire-fighting drills and establish training requirements for their crews. The rule exempted towing vessels that engage only in assistance towing, pollution response, or fleeting.

#### Requirement for a Fire-Suppression System

Neither the interim rule nor this final rule implements any requirements for fixed fire-suppression systems on towing vessels. A separate rulemaking, entitled "Fire-Suppression Systems and Voyage Planning for Towing Vessels", addresses those systems.

In the NPRM, we proposed a combination of early-warning fire-detection systems, semi-portable fire extinguishers, fixed or portable fire pumps, and training of crews as alternative means of fire protection. During the comment period for the NPRM, we received numerous comments critical of these alternative measures. Many of the commenters stated that the measures did not meet the intent of the Authorization Act, because they would not require total-flooding fire-extinguishing systems. Further, the commenters stated that the measures did not consider vessels' characteristics, methods of operation, and nature of service, nor did they differentiate between ocean-going tugboats and inland towboats. We carefully considered these comments and decided to implement the lower-cost, non-controversial measures in an interim rule, separate from any requirements for fixed fire-extinguishing systems. This final rule makes a few changes to the interim rule for the non-controversial measures, based on public comments, as discussed below. Again, all requirements for fixed fire-extinguishing systems are the subjects of a separate rulemaking; this will take the form of a SNPRM on fire-suppression systems and voyage planning for towing vessels, which we will publish later this year.

#### Discussion of Comments and Changes

The Coast Guard received a total of 17 documents containing 95 comments to the public docket of the interim rule that precedes this final rule. The following paragraphs summarize the comments and explain the changes we have made to that interim rule.

##### 1. Applicability and Exemptions

Three comments asked that the rule change to provide specific details that explain which types of harbor tugs and similar tugs operating within limited geographic areas are exempted from its requirements. We considered these comments and decided to make no change in that respect. 46 CFR 27.100 already clearly explains the reach of this rule. Besides, 46 CFR 27.100(c) permits the owner or operator of any vessel to request an exemption from the local