

Terminal. In March and November 1987, EPA conducted an investigation that identified Site related chemicals, including some CERCLA hazardous substances, in the soil and the groundwater near the burn pond. Based on these results, the Site was placed on the NPL on August 30, 1990 (55 FR 35502). In November 1988 Williams Pipe Line Company signed a Settlement Agreement with the State of South Dakota and the City of Sioux Falls for investigation and cleanup of petroleum spills throughout the Terminal. The response actions taken pursuant to the Settlement Agreement consisted of the installation of recovery wells and an interception trench.

Williams Pipe Line signed an Administrative Order on Consent on April 25, 1991 to conduct a CERCLA Remedial Investigation (RI) and Feasibility Study (FS). The purpose of the RI, which was conducted in two phases from 1991 to 1993, was to more fully investigate the nature and extent of the hazardous substances contamination in the burn pond area. Through the RI, arsenic and benzene were identified as the main contaminants of concern, however, benzene is a petroleum constituent and addressed at the Site under State authority. EPA issued a Record of Decision (ROD) for the Site on September 29, 1994. The selected remedy for the Site was No Action with a minimum of two years of quarterly groundwater monitoring of arsenic. The ROD determination that no action was warranted applies only to CERCLA and not to state authority or other regulations and statutes. For a detailed understanding of the selected remedy, refer to the ROD dated September 29, 1994.

B. Characterization of Risks

Based on the Base Line Risk Assessment (BRA), the RI concluded that there was no current or likely future exposure to groundwater contaminated from arsenic. Since no exposure exists or is likely, there is no unacceptable risk. As an added measure of confidence, the ROD required a minimum of two years of quarterly groundwater monitoring to assure that no unacceptable levels of arsenic were moving from the Terminal.

Williams Pipe Line completed ten quarters of groundwater sampling in December 1997. These groundwater sampling events show that all monitoring wells that were tested for arsenic are below the Maximum Contaminant Level (MCL) of 50 µg/l, with the exception of one on-site monitoring well, P-11. This well has shown a decline in arsenic levels over

the ten quarters of groundwater monitoring, with the current arsenic level at 150 µg/l. The offsite monitoring wells show for the ten quarters of groundwater sampling that the arsenic present in P-11 is not migrating off-site, due in part to a collection trench installed under the 1988 Settlement Agreement addressing hydrocarbon spills. The off-site wells show that levels of arsenic concentration are at 2 µg/l.

EPA is satisfied that the monitoring conducted pursuant to the ROD met its objectives to assure that the arsenic was not migrating off-site, and that there would be no unacceptable risk in the future.

Notwithstanding the declining levels of arsenic in well P-11, its capture by the ongoing hydrocarbon collection system administered under the State Settlement Agreement, and monitoring results clearly demonstrating no migration of arsenic from P-11 to off-site monitoring wells, Williams Pipe Line and the State have amended their settlement agreement for the future monitoring of arsenic due to its current elevated level in well P-11.

V. Conclusion

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if the remedial investigation has shown that the release poses no significant threat to public health or the environment and therefore, taking remedial measures is not appropriate. EPA, with concurrence of the State believes that this criterion for deletion has been met.

Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the docket.

Dated: November 18, 1998.

William P. Yellowtail,

Regional Administrator, Region VIII.

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DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

49 CFR Part 1420

[Docket No. BTS-98-4659]

RIN 2139-AA05

Revision to Reporting Requirements for Motor Carriers of Property; Extension of Comment Period

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Extension of comment period.

SUMMARY: The Bureau of Transportation Statistics (BTS) is extending the comment period for its proposed revisions to the reporting requirements for motor carriers of property. As initially published in the **Federal Register** of November 3, 1998 (63 FR 59263), the comments were to be received by December 3, 1998. BTS is extending the comment period until January 15, 1999, in order to give all interested persons the opportunity to comment fully.

DATES: Written comments must be submitted by January 15, 1999.

ADDRESSES: Please direct comments to the Docket Clerk, Docket No. BTS-98-4659, Department of Transportation, 400 Seventh Street, SW., Room PL-401, Washington, DC 20590, from 10 a.m. to 5 p.m. ET, Monday through Friday, except Federal Holidays.

Comments should identify the regulatory docket number and be submitted in duplicate to the address listed above. Commenters wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on Docket BTS-98-4659. The Docket Clerk will date stamp the postcard and mail it back to the commenter.

If you wish to file comments using the Internet, you may use the U.S. DOT Dockets Management System website at <http://dms.dot.gov>. Please follow the instructions online for more information.

FOR FURTHER INFORMATION CONTACT: David Mednick, K-2, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590; (202) 366-8871; fax: (202) 366-3640; e-mail: david.mednick@bts.gov.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, at the address: <http://dms.dot.gov>. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the **Federal Register** Electronic Bulletin Board Service at (202) 512-1661. If you have access to the Internet, you can obtain an electronic copy at <http://www.bts.gov/mcs/rulemaking.htm>.

II. Extension of Comment Period

Several parties who have been actively involved in the proceedings relating to the proposed revisions have requested additional time for their organizations to review the proposal and prepare and coordinate their responses. BTS is therefore extending the comment period to January 15, 1999, a period that includes additional time to avoid a deadline occurring immediately after the holidays.

List of Subjects in 49 CFR Part 1420

Motor carriers, Reporting and classification.

Issued in Washington, DC, on November 12, 1998.

Robert A. Knisely,

Deputy Director.

[FR Doc. 98-31522 Filed 11-24-98; 8:45 am]

BILLING CODE 4910-FE-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: Notice of Finding on a Petition To Delist the Wood Bison From the List of Threatened and Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to delist the wood bison (*Bison bison athabasca*) pursuant to the Endangered Species Act of 1973, as amended. The Service finds that the petitioner did not supply substantial information to indicate that the delisting of wood bison may be warranted.

DATES: The finding announced in this document was made on November 12, 1998. Comments and information concerning this petition finding may be submitted until further notice.

ADDRESSES: Questions, comments, or information concerning this petition should be sent to the Office of Scientific Authority, U.S. Fish and Wildlife Service, Mail Stop ARLSQ-750, Washington, D.C. 20240. The petition, finding, and supporting information are available for public inspection, by appointment, during normal business hours at the Office of Scientific Authority, 4401 N. Fairfax Dr., Rm. 750, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dr. Javier Alvarez, Office of Scientific

Authority, U.S. Fish and Wildlife Service, Mail Stop ARLSQ-750, Washington, D.C. 20240 (phone: 703-358-1708; fax: 703-358-2276; e-mail: Javier_Alvarez@mail.fws.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. This finding is to be made within 90 days of receipt of the petition, and the finding is to be published promptly in the **Federal Register**.

The Service has made a 90-day finding on a petition to delist the wood bison (*Bison bison athabasca*) populations in Canada, currently listed as endangered under ESA. The petition was submitted by Mr. Gary A. Plumlee, Anderson, Indiana, and was received by the Service on May 14, 1998.

The document provided by the petitioner to substantiate his petition consisted primarily of a copy of the proposal submitted by the Government of Canada to the Tenth Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species (CITES), held in Harare, Zimbabwe, from 9-20 June, 1997. The proposal, which was adopted at the Tenth Conference, requested the transfer of wood bison from Appendix I to Appendix II of CITES to allow commercial trade of this subspecies. The information contained in the CITES proposal originated primarily from research and management conducted by Canadian federal, provincial and territorial governments as part of a recovery program for the wood bison.

The Service agrees that wood bison populations are capable of growing rapidly when protected from over-hunting. Historically found in the interior plains of northwestern North America (northwestern Saskatchewan, northern Alberta, northeastern British Columbia, and southwestern Northern Territories), the wood bison was almost extirpated by Europeans during the late 19th century. Of approximately 200,000 wood bison believed to exist in Canada in 1800, the population was reduced to about 250 animals at the beginning of this century. Under government protection (it currently has legal protection in British Columbia, Yukon

Territory, and Northwest Territories; it is designated as threatened according to the Committee on the Status of Endangered Wildlife in Canada) this population has grown to an estimated 2,500 wood bison today, including 1,800 animals in seven wild herds, and around 700 held in captivity. An additional 2,300 animals exist in free-ranging populations that originate from wood bison exposed to hybridization with plains bison (*Bison bison bison*) and disease (tuberculosis and brucellosis). As a result of these increases in population, the Canadian government opened regulated hunting of wood bison in 1988, with an annual quota of 47 animals to be allocated among native peoples, local residents, and non-resident trophy hunters accompanied by native people.

The Service also agrees that illegal trade in this subspecies does not appear to be a significant problem. CITES records reveal that a very small number of live wood bison or their parts have entered international trade since it was included in Appendix I of CITES in 1973.

When referring to the downlisting of the wood bison from Appendix I to Appendix II of CITES, the petitioner incorrectly states that the wood bison was reclassified as threatened under CITES. CITES Appendix II is not equivalent to threatened under ESA. Moreover, although Parties to CITES consider the level of threat when listing species, the listing criteria are different. Listing criteria adopted by Parties to CITES in November 1994 (Resolution 9.24) clearly state that a species can be placed in CITES appendices only if it is threatened or has the potential to be threatened by trade. The Canadian proposal to downlist the subspecies to Appendix II was adopted in June 1997 based on these new criteria.

Although over-hunting and illegal trade are no longer considered threats to the species, recovery of the species is still limited by habitat availability and quality. Approximately 34 percent of the wood bison's historical range is no longer available because of agriculture and urban development, a problem that is expected to increase. A further 27 percent is temporarily unavailable because of the presence of disease. Several reintroduced populations are threatened by the risk of infection with tuberculosis and brucellosis, including the largest at Mackenzie Bison Sanctuary in the Northwestern Territories, which contains 1,300 of the remaining 1,800 free-ranging non-hybridized wood bison. Therefore, buffer zones are currently being established to separate diseased and