

necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12866, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis. This proposed rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

**List of Subjects in 40 CFR Part 228**

Environmental protection, Water pollution control.

Approved by:  
**Patrick M. Tobin,**  
*Acting Regional Administrator.*

In consideration of the foregoing, subchapter H of chapter I of title 40 is proposed to be amended as set forth below.

**PART 228—[AMENDED]**

1. The authority citation for part 228 continues to read as follows:

**Authority:** 33 U.S.C. 1412 and 1418.

2. Section 228.15 is proposed to be amended by adding paragraph (h)(18) to read as follows:

**§ 228.15 Dumping sites designated on a final basis.**

\* \* \* \* \*

(h) \* \* \*

(18) Tampa, Florida; Ocean Dredged Material Disposal Site \_\_\_\_\_ Region IV.

(i) Location:	27°32'27" N	83°06'02" W.;
	27°32'27" N	83°03'46" W.;
	27°30'27" N	83°06'02" W.;
	27°30'27" N	83°03'46" W.

Size: Approximately 4 square nautical miles.

Depth: Approximately 22 meters.

Primary use: Dredged material.

Period of use: Continuing use.

Restriction: Disposal shall be limited to suitable dredged material from the greater Tampa, Florida vicinity. Disposal shall comply with conditions

set forth in the most recent approved Site Management and Monitoring Plan.

\* \* \* \* \*

[FR Doc. 95-930 Filed 1-12-95; 8:45 am]

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**40 CFR Part 300**

[FRL-5130-4]

**Independent Nail Superfund Site Notice of Intent to Delete; National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent to Delete the Independent Nail Company Site from the National Priorities List; Request for Comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region IV announces its intent to delete the Independent Nail (Site), located in Beaufort County, S.C., from the National Priorities List (NPL) and requests public comments on this action. The NPL constitutes 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 (CERCLA), as amended. It has been determined that all Fund-financed response actions taken at the Site under CERCLA have been implemented. EPA, in consultation with the State of South Carolina, has determined that remedial activities conducted at the Site to date remain protective of public health, welfare, and the environment.

**DATES:** Comments concerning the deletion of this Site from the NPL should be submitted on or before February 13, 1995.

**ADDRESSES:** Comments may be mailed to: Terry Tanner, RPM, EPA-Region IV, Waste Management Division, 345 Courtland Street, N.E., Atlanta, GA 30365.

The deletion docket, which contains supporting information on EPA's decision to delete this Site from the NPL, is available for inspection Monday through Friday from 8:00 a.m. to 4:30 p.m. at the following location: U.S. EPA Record's Center, 345 Courtland Street, N.E., Atlanta, GA 30365, (404) 347-0506.

An additional copy of the deletion docket is also available for viewing between 9:00 a.m. and 8:00 p.m. at the following location: Beaufort County

Library, 710 Craven Street, Beaufort, SC 29902, (803) 525-7279.

**FOR FURTHER INFORMATION CONTACT:**  
 Terry Tanner at 404-347-7791, X4117.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The Environmental Protection Agency (EPA), Region IV, announces its intent to delete the Independent Nail Site, located in Beaufort, South Carolina, from the National Priorities List (NPL) and requests comments on this deletion. The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

The EPA will accept comments concerning this Site for thirty days after publication of this notice in the **Federal Register**. Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Independent Nail Site and explains how the Site meets the deletion criteria.

**II. NPL Deletion Criteria**

Amendments to the NCP published in the **Federal Register** on March 8, 1990, establish the criteria the Agency uses to delete sites from the NPL. Section 300.425(e) of the NCP states that "Releases may be deleted or recategorized on the NPL where no further response is appropriate. EPA shall consult with the state on proposed deletion from the NPL prior to developing the notice of intent to delete. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met":

- i. Responsible parties or other persons have implemented all appropriate response actions required; or
- ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- iii. The remedial investigation has shown that the release poses no significant threat to public health or the

environment and, therefore, taking of remedial measures is not appropriate.

Prior to deciding to delete a site, EPA must first determine that the remedy, or existing site conditions at the sites where no action is required, is protective of public health, welfare, and the environment. In addition, § 300.425(e)(2) of the NCP states that "No site shall be deleted from the NPL until the state in which the site is located has concurred on the proposed deletion".

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 300.425(e)(3) states that "\* \* \* Whenever there is 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 (HRS)".

### III. Deletion Procedures

Deletion of sites from the NPL does not in itself create, alter, or revoke any individuals rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in the management of these sites.

Upon determination that at least one of the criteria described in § 300.425(e)(1) of the NCP has been met, EPA may formally begin deletion procedures. The following procedures have been implemented towards the deletion of this Site:

1. EPA Region IV has entered into a Superfund State Contract with the State of South Carolina to conduct operations and maintenance activities at this Site for a period of five years. The first of these activities began in November 1989. Both EPA and the State of South Carolina find that the remedy continues to provide adequate protection of human health and the environment.

2. All Operations & Maintenance activities have been completed to date. EPA will proceed toward amending the State Superfund Contract to cover any activities that become necessary if the Site deteriorates in the future.

3. EPA Region IV has recommended deletion for this Site and has prepared the relevant documents.

4. The State of South Carolina has concurred with the decision to delete this Site.

5. Concurrent with this National Notice of Intent to Delete, a notice has been published in the local newspaper in the vicinity of the Site announcing the initiation of a 30 day public

comment period. The public will be asked to comment on EPA's intention to delete the Site from the NPL during this 30 day period following a review of the information included in the deletion docket.

6. EPA Region IV has prepared a Superfund Site Closeout Report and established a Regional Deletion Docket, with its placement in the local information repository.

Upon completion of the public comment period, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address concerns which were raised. The public is welcome to contact the EPA Regional Office to obtain a copy of this Responsiveness Summary, when available. A final notice of deletion will then be published in the **Federal Register**.

### IV. Basis for Intended Site Deletion

The following Site summary provides the Agency's rationale for the intention to delete this Site from the NPL.

The Site was initially owned by the Blake and Johnson Company which manufactured screws and fasteners. An on-site lagoon was used from approximately 1969 to 1980 to dispose of wastewater containing cyanide, chromium and other waste generated during the manufacturing process. The company discharged approximately 33,000 gallons of plating wastewater per day into this lagoon.

A study performed in 1975 by the South Carolina Department of Health and Environmental Control (SCDHEC) revealed that a break in the side of the lagoon allowed wastewater to enter a drainage ditch north of the lagoon area. Analysis of a sample collected from this ditch in August 1975 showed cadmium and chromium contamination. The break and resulting discharge appear to have been a single, short term incident.

Beginning in August 1975, SCDHEC and a local engineering firm (Davis and Floyd) conducted several ground water investigations. Monitor wells were placed into the water table aquifer at various locations near the lagoon. The results of these sampling efforts indicated that the quality of the ground water was being affected by the wastes discharged to the lagoon. Chromium, lead, iron, and mercury were present in some of these water samples at concentrations in excess of drinking water standards.

In April 1980, the Blake and Johnson Company ceased operations at the Site. Two months later, Independent Nail purchased the plant. The Independent Nail Company currently operates a paneling nail coating process at the Site.

Sampling performed by SCDHEC on April 21, 1980 indicated that concentrations of chromium and lead in the ground water continued to exceed drinking water standards. The chromium level in one well was 0.210 mg/l and the lead concentration in another was 0.150 mg/l. A second sampling of the same wells by SCDHEC in May 1980 revealed that chromium levels continued to exceed drinking water standards. Lead concentrations detected during this second sampling event were below the drinking water standard. The drinking water standard (Maximum Contaminant Level) during 1980 for chromium and lead was 0.05 mg/l. Later in May 1980, SCDHEC requested that three intermediate depth (40 to 50 feet) wells be installed for monitoring. Chromium levels in all three of these wells exceeded drinking water standards when sampled in June of 1980.

A Potential Hazardous Waste Site Investigation Report and a Preliminary Assessment Report were prepared by EPA on February 26, 1981 for this Site. The Site was added to the National Priorities List in 1984.

EPA performed a Remedial Investigation/Feasibility Study on the Site During 1985. The RI was divided into two operable units with the first operable unit addressing contamination in the soil, surface water, and sediments. The second operable unit investigated groundwater contamination at the Site.

Soil contamination was found in the lagoon and areas within the fence and at two areas outside of the fence. Cadmium, chromium, cyanide, nickel, and zinc were identified as the contaminants of concern. The Risk Assessment concluded that a source control measure was necessary to reduce the threat of direct contact with contaminated soil and the inhalation of airborne contaminated dust associated with this Site.

On September 28, 1987, EPA selected a remedy to address soil contamination at this Site. The Record of Decision (ROD) for the first operable unit established soil cleanup goals for these contaminants of concern: Cadmium (2.6 mg/kg), chromium (5.3 mg/kg), cyanide (0.02 mg/kg), nickel (18 mg/kg), and zinc (1,785 mg/kg). The solidification/stabilization of 5,500 cubic yards of contaminated soil was conducted in April and May of 1988. This soil was excavated, solidified, and returned to the lagoon area. A final cover consisting of approximately 8 inches of soil was placed over the solidified material and seeded.

Operable unit two revealed that the highest concentration of chromium was present in a shallow well MW1S at a concentration of 0.058 mg/l. This value slightly exceeded the Maximum Contaminant Levels (MCL) for chromium set at 0.050 mg/l. Chromium contamination in this well was suspected to be the result of waste water discharged into the lagoon. All other contaminant concentrations were below the existing MCL, Secondary Maximum Contaminant Level (SMCL), and/or Health Advisory drinking water standards.

The ROD for Operable Unit Two, signed on August 30, 1988, outlined a No Action alternative for the groundwater at the Site. The .008 mg/l by which chromium exceeded the standard in a single well (MW-IS) was within the 20% analytical variance for Contract Laboratory Program labs. The wells were resampled on July 28-29, 1988. The highest concentration of chromium detected was .041 mg/l in MW-IS. The contaminant levels in the groundwater presented no imminent or substantial threat to human health or the environment, therefore, no groundwater treatment was necessary.

The solidification/stabilization treatment of the contaminated soil is considered a permanent remedy. No additional treatment of the solidified material is necessary, however, periodic groundwater monitoring will be conducted. EPA Region IV has entered into a Superfund State Contract with the State of South Carolina to conduct operations and maintenance activities at this Site for a period of five years. The State of South Carolina has subsequently agreed to continue with these activities beyond the five year period. EPA conducted the first of these activities on November of 1989. Both EPA and the State of South Carolina find that the remedy continues to

provide adequate protection of human health and the environment.

CERCLA Section 121(c), 42 U.S.C. 9621 and 40 CFR 300.430(f)(4)(ii) requires that five year reviews be performed at sites where contaminants remain above levels that allow for unlimited use and unrestricted exposure. The first Five Year Review was completed on September 13, 1993. The results of this review indicate that the remedial activities were effective in stabilizing the contaminant source on-site. Additional five year reviews will allow EPA and the State of South Carolina to determine if the protectiveness of the remedy will be maintained over time.

EPA, in concurrence with the State of South Carolina has determined that all appropriate fund-financed responses under CERCLA at the Independent Nail Site have been completed, and no further clean-up by the responsible parties is appropriate.

Dated: November 16, 1994.

**Patrick M. Tobin,**

*Acting Regional Administrator, Region IV,  
Environmental Protection Agency.*

[FR Doc. 95-826 Filed 1-12-95; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 94-143]

#### Television Table of Allotments: Albion, NE

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document contains corrections to the *Notice of Proposed Rule Making* in MM Docket No. 94-143,

a summary of which was published on January 3, 1995 (60 FR 91). The *Notice* is corrected to specify reference coordinates for the proposed Channel 24 allotment at Albion, Nebraska, as 41-55-58 and 98-17-23, and a plus offset for the Channel 24 allotment.

**DATES:** Comments must be filed by Feb. 13, 1995, and reply comments by Feb. 28, 1995.

**ADDRESSES:** Send comments to the Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau (202) 634-6530.

#### SUPPLEMENTARY INFORMATION:

##### Need for Correction

As published, the *Notice of Proposed Rule Making* contained an error with respect to the reference coordinates and channel offset for the proposed allotment of Channel 24 to Albion, Nebraska.

##### Correction of Publication

Accordingly, the publication on January 3, 1995, of the Summary of the Notice of Proposed Rule Making in MM Docket 94-143, which was the subject of FR Doc. 94-32275, is corrected as follows:

On page 91, in the first and second columns, all references to "Channel 24" are corrected to read "Channel 24+."

On page 91, in the second column, the reference coordinates for Channel 24+ at Albion, Nebraska, are corrected to read "41-55-58 and 98-17-23."

Federal Communications Commission.

**Douglas W. Webbink,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-1033 Filed 1-12-95; 8:45 am]

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