

estimated that 1,500,000 cubic yards of waste were disposed of at this-site.

In a letter dated July 22, 1988, representatives of the landfill owner stated that Dakhue Landfill, Inc. was financially unable to undertake closure and postclosure activities required at the landfill. On October 11, 1988, Dakhue Landfill, Inc. filed for Chapter 11 bankruptcy.

The Site was proposed for the NPL on October 26, 1989 and finalized on August 30, 1990 with a score of 42.

The U.S. EPA funded the MPCA to conduct of Remedial Investigation (RI) and Feasibility Study (FS) activities. RI work involves determining the nature and extent of contamination and FS work involves developing and evaluating remedial alternatives.

During the course of those activities, U.S. EPA and MPCA decided to divide the remedy for the Site into two units or discrete actions, referred to as "operable units" (OUs). They are as follows:

OU One: Source control of contaminants from the landfill.

OU Two: Contaminated groundwater migration management.

A focused FS was completed in March, 1991 for the first OU and a Record of Decision (ROD) was issued on June 28, 1991 outlining work necessary to address the source of the contamination, the landfill itself.

An RI was completed for the second OU in August, 1992 and a FS was completed in December, 1992. A ROD was issued on June 30, 1992 outlining work necessary to address the migration of contaminated groundwater.

The objective of the remedial action initiated for the Dakhue Sanitary Landfill was to meet the overall goal of protecting human health and the environment. This objective will be achieved through the construction of the landfill cover and maintaining a groundwater monitoring system so that the potential risks associated with the Site are reduced. This will be accomplished through reducing the infiltration of water into the landfill waste mass; reducing the build-up of combustible gases; and reducing the generation and discharge of landfill leachate and continued monitoring of the Site will ensure the future effectiveness of the remedy.

On June 28, 1991, a Record of Decision (ROD) which documented remedial actions for OU one (source control) was signed. The first operable unit addresses the source of the contamination by containing the wastes and contaminated soil on-site. The function of this operable unit is to provide a final cover for the Dakhue

Sanitary Landfill which will prevent or minimize groundwater contamination and risks associated with the exposure to the contaminated materials. The major components of the selected remedy for this operable unit include:

Capping with a final cover system consisting of a gas control layer, a barrier layer of low permeable material, a drainage layer, topsoil cover and vegetation.

The remedy for the second operable unit includes the following components: The institutional Controls contained in Dakota County Ordinance No. 114 and Minnesota Rules 4725.2000 and 4725.4300 which restrict well development. A long-term groundwater monitoring program to: (1) Ensure that contaminated groundwater is not migrating off-site (2) assess trends in water quality in the Sand and Gravel aquifer; (3) verify that the deep aquifer is not affected; and (4) to provide adequate protection to aquatic life in Judicial Ditch No. 1 from adverse effects resulting from possible discharge of contaminated groundwater.

Construction of the landfill cover provided for in OU one was completed during the 1992 construction season. Groundwater monitoring as provided in OU two was initiated and several rounds of sampling have been completed to date.

EPA, with concurrence of the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Dakhue Sanitary Landfill Site have been completed, and no further Superfund response is appropriate in order to provide protection of human health and the environment. Therefore, U.S. EPA proposes to delete this Site from the NPL.

Dated: March 1, 1995.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.
[FR Doc. 95-6270 Filed 3-14-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 61 and 206

RIN 3067-AC35

National Flood Insurance Program; Group Flood Insurance Policy for Individual and Family Grant Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish a Group Flood Insurance

Policy (GFIP) and the criteria for its implementation by the National Flood Insurance Program (NFIP) when Federal disaster assistance is provided under the Individual and Family Grant Program after the President makes a disaster declaration.

EFFECTIVE DATE: We invite your comments which will be accepted until May 1, 1995.

ADDRESSES: Please send comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., room 840, Washington, DC 20472, (facsimile) (202) 646-4536.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Jr., Federal Emergency Management Agency, Federal Insurance Administration, (202) 646-3422, (facsimile) (202) 646-3445; or Laurence W. Zensinger in FEMA's Response and Recovery Directorate, (202) 646-3642, (facsimile) (202) 646-2730.

SUPPLEMENTARY INFORMATION: Section 411, Individual and Family Grant (IFG) Programs the Stafford Act (42 U.S.C. § 5178) authorizes the President to make grants to States for the purpose of making grants to individuals or families adversely affected by a major disaster. This disaster assistance is provided to eligible individuals or families who are unable to meet disaster-related necessary expenses or serious needs through insurance or other means of assistance. The maximum grant amount provided under the State-administered IFG program is \$12,600 in Fiscal Year 1995, and is adjusted annually as the Consumer Price Index for All Urban Consumers changes.

In past presidentially declared major disasters, IFG recipients were required to purchase and maintain "adequate flood insurance" if they had flood damage and were in a special flood hazard area of a community in which the sale of flood insurance was available under the NFIP. According to the regulations published to carry out the purposes of § 411(a), "adequate flood insurance" is defined as a flood insurance policy that provides coverage at least for the grant award, for which the maximum in Fiscal Year 1995 is \$12,600. A homeowner is able to apply that amount to building or contents damage, or to both kinds of damage, whereas a renter can apply up to \$12,600 solely for damage to contents.

Our experience has shown that many IFG recipients historically have not used the part of the grant award that was provided to them to purchase the required flood insurance for that intended purpose. These individuals

frequently have been unable to obtain adequate assistance from other means and have endured hardship as a result of the disaster. Often they have such low incomes that they cannot afford to repay a loan, even if the interest rate is as low as four percent and the repayment schedule is spread over a number of years. Therefore, FEMA developed an NFIP Group Flood Insurance Policy (GFIP) for IFG homeowners or renters who experience flood damage, in an effort to assist these individuals to protect themselves from future flood losses and to comply with the purchase and maintenance requirements of the IFG program. By using the GFIP concept, FEMA can achieve significant administrative savings and can offer a premium rate for the 3-year GFIP that is approximately \$50 more than the 1-year premium for a conventional Standard Flood Insurance Policy for a property with the insurance-rating characteristics that most of the properties that are anticipated to be covered under the GFIP have.

On September 23, 1994, while FEMA was in the process of preparing regulations to implement the GFIP, the President signed Public Law 103-325, the Riegle Community Development and Regulatory Improvement Act of 1994. Title V of Pub. L. 103-325 reformed major portions of the National Flood Insurance Act of 1968, and is cited as the National Flood Insurance Reform Act of 1994 (NFIRA). Section 582 of Pub. L. 103-325 states:

"No Federal disaster relief assistance made available in a flood disaster area may be used to make a payment * * * to a person for repair, replacement, or restoration for damage to any personal, residential, or commercial property if that person at any time has received flood disaster assistance that was conditional on the person first having obtained flood insurance under applicable Federal law and subsequently having failed to obtain and maintain flood insurance as required under applicable Federal law on such property."

We interpret this section as a requirement in flood disasters for each grantee who receives Federal disaster assistance for flood damage to property located in a special flood hazard area and who is required to purchase flood insurance (or had insurance purchased for them) to maintain at least a minimum amount of flood insurance on the property forever, or until they move to another address. If flood insurance is not maintained, then no Stafford Act assistance may be provided for IFG under sec. 411(a) for real or personal

property in any subsequent flood disasters. This maintenance provision also applies to individuals who bought, or otherwise had transferred to them, any real estate for which the flood insurance maintenance requirement was previously levied.

To enable States to provide affordable policies to IFG recipients, FEMA proposes to limit IFG assistance to individuals and families with \$200 or more of real or personal property damage or loss. Assisting individuals with damage of less than \$200 is not cost-effective.

For individuals who qualify for IFG assistance, FEMA proposes that a fixed premium amount, initially in the amount of \$200, will be added to the IFG awards (subject to the current grant maximum) to cover the cost of the grantee's flood insurance coverage for the first 3 years. If the grantee has disaster needs that meet or exceed the maximum grant amount, this fixed premium amount shall be withheld from the grant and provided to the NFIP to pay the premium, thus ensuring the grantee is provided with a policy. The policy coverage will be equivalent to the maximum IFG grant amount each fiscal year. This amount is \$12,600 in Fiscal Year 1995 as mentioned earlier.

The State IFG program staff would provide the NFIP with records of the individuals to be insured. The records, which the State would provide NFIP on a weekly basis, would be accompanied by payments to cover the premium amounts for each grantee/policyholder for the 3-year policy term. The NFIP would then issue a Certificate of Flood Insurance to each insured. During the 3-year term of the coverage, the amount(s) of coverage listed in the Certificate of Flood Insurance would be adjusted annually on October 1 to reflect changes in the Consumer Price Index for All Urban Consumers.

Approximately 60 days before the end of the 3-year term of the GFIP, the NFIP would notify the IFG grantee/policyholder of the procedures to follow for applying for a new flood insurance policy and of the amount of coverage that the IFG grantee/policyholder must obtain in order to comply with the flood insurance maintenance requirements established under the NFIRA. For purposes of complying with the maintenance requirement, a "minimal amount of flood insurance" means an amount equal to the IFG program's maximum grant amount in effect at the time the new policy is obtained. Further, at the time of each subsequent renewal, the notification concerning the amount of coverage that must be maintained would be revised to reflect

the IFG program's maximum grant amount then in effect.

NFIP's Standard Flood Insurance Policy (which would be made available to grantees upon request) specifies a number of restrictions and limitations. While most exclusions pertain only to certain items in the building, some of the exclusions mean that there is no coverage at all for the building or the contents in the building. The coverage exclusions would be specified in the Addendum that would accompany the Certificate of Flood Insurance, which the NFIP would send to each IFG grantee/policyholder. If a Certificate of Flood Insurance is issued for a grantee whose property is ineligible for GFIP coverage, the NFIP, upon discovery of such ineligibility, would notify the grantee that the Certificate is rescinded and then refund the full premium costs to the President's Fund. The State's 25% share would then be forwarded to the State. The State would then return the \$200 only to those grantees who received maximum grant awards and had their premium costs deducted from those awards.

NFIRA requires a 30-day waiting period, with two specific exceptions, before flood insurance coverage becomes effective under the Standard Flood Insurance Policy. Neither exception applies to the GFIP. Therefore, to comply with the NFIRA, GFIP coverage would become effective on the 30th day following the date that the records and premium payment are received by the NFIP from the State.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Executive Order 12866, Regulatory Planning and Review

This proposed rule is not a significant regulatory action within the meaning of § 2(f) of E.O. 12866 of September 30, 1993, 58 FR 51735, but attempts to adhere to the regulatory principles set forth in E.O. 12866. The rule has not been reviewed by the Office of Management and Budget under E.O. 12866.

Paperwork Reduction Act

FEMA requests that commenters address their concerns about any additional paperwork or recordkeeping reporting burden this proposed rule may place upon them. Comments on paperwork or recordkeeping issues including burden estimates (i.e., the time it would take a State to research

and compile the information and send premium payments to the NFIP) may be addressed to the points of contact identified in the "For Further Information Contact" section of this proposed rule, and to Donald Arbuckle, Office of Management and Budget, Office of Information and Regulatory Affairs, 3255 New Executive Office Building, Washington, DC 20503.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under E.O. 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of § 2(b)(2) of E.O. 12778.

List of Subjects in 44 CFR Parts 61 and 206

Flood insurance; Disaster assistance.

Accordingly, 44 CFR Parts 61 and 206 are proposed to be amended as follows:

PART 61—INSURANCE COVERAGE AND RATES

1. The authority citation for Part 61 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Section 61.17 is added to read as follows:

§ 61.17 Group Flood Insurance Policy

(a) A Group Flood Insurance Policy (GFIP) is a policy covering all individuals named by a State as recipients under § 411 of the Stafford Act (42 U.S.C. 5178) of an Individual and Family Grant program award for flood damage as a result of a Presidential disaster declaration. The premium for the GFIP, initially, is a flat fee of \$200 per policyholder. The amount of coverage would be equivalent to the maximum grant amount established under § 411. Coverage under the GFIP would become effective on the 30th day following the date the NFIP receives the records and premium payments from the State.

(b) The GFIP is the Standard Flood Insurance Policy Dwelling Form (a copy of which is included in Appendix A(1) of this part), except that:

(1) The GFIP provides coverage for losses caused by land subsidence, sewer backup, or seepage of water without regard to the requirement in paragraph B.3. of Article 3 that the structure be insured to 80 percent of its replacement

cost or the maximum amount of insurance available under the National Flood Insurance Program.

(2) *Article 7—Deductibles* does not apply to the GFIP. The deductible is \$200 (applicable separately to any building loss and any contents loss) for insured flood damage losses sustained by the insured property in the course of any subsequent flooding event during the policy term. No deductible shall apply to Article 3 B.3.

(3) Article 9 E., Cancellation of Policy By You, does not apply to the GFIP.

(4) Article 9 G., Policy Renewal, does not apply to the GFIP.

PART 206—FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988

3. The authority citation for Part 206 is amended to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq.; 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

Subpart E—Individual and Family Grant Programs

4. Section 206.131(d)(1)(iii)(C)(2) is revised to read as follows:

§ 206.131 Individual and Family Grant Programs.

* * * * *

(d) * * *

(1) * * *

(iii) * * *

(C) * * *

(2) The National Flood Insurance Program (NFIP) regulations, at 44 CFR 61.17, establish the Group Flood Insurance Policy (GFIP), which is a policy that covers eligible individuals named by a State as recipients under section 411 of the Stafford Act of an IFG program award for flood damage as a result of a Presidential disaster declaration.

(i) IFG assistance will be provided to individuals or families with residential or personal property damage or losses of \$200 or more. Individuals with damage of \$199 or less will not be eligible for IFG assistance.

(ii) The premium for the GFIP is a necessary expense within the meaning of this section. The State shall withhold this portion of the IFG award and provide it to the NFIP on behalf of individuals and families who are eligible for coverage. The coverage shall be equivalent to the maximum grant amount established under § 411(f) of the Stafford Act.

(iii) The State IFG program staff would provide the NFIP with records of individuals who received an IFG award and are, therefore, to be insured. Grantees would not be covered if they are determined to be ineligible for coverage based on a number of exclusions established by the NFIP. Records of IFG grantees to be insured shall be accompanied by payments to cover the premium amounts for each grantee for the 3-year policy term. The NFIP will then issue a Certificate of Flood Insurance to each grantee.

(iv) Once the grantee/policyholder receives the Certificate of Flood Insurance, the grantee should review the list of the types of buildings that are ineligible for coverage. If the damaged building and its contents are ineligible, the grantee must notify the NFIP in writing. The NFIP will then reimburse the State IFG program for the premium, so the IFG program can issue a check for the premium amount to the grantee when a premium amount was withheld from a maximum grant award. (If the grantee wishes to refer to or review a Standard Flood Insurance Policy, it will be made available by the NFIP upon request.)

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance"; No. 83.516, "Disaster Assistance").

Dated: February 24, 1995.

Elaine A. McReynolds,
Administrator, Federal Insurance Administration.

Richard W. Krimm,
Associate Director, Response and Recovery.
[FR Doc. 95-6361 Filed 3-14-95; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94-84, RM-8478]

Radio Broadcasting Services; Driscoll, Gregory and Robstown, Texas

AGENCY: Federal Communications Commission
ACTION: Proposed rule.

SUMMARY: The Commission requests comments on the deletion of vacant Channel 283A at Gregory, Texas. The deletion of Channel 283A at Gregory is necessary in order to accommodate the proposed substitution of Channel 283C3 for Channel 286A at Robstown, Texas, the reallocation of Channel 283C3 from Robstown to Driscoll, Texas, and the modification of Station KMIQ(FM)'s