

September 30, 1993, the Acting Regional Administrator signed the EPA Final Close Out Report. EPA released a Fact Sheet describing this report and the status of the Site in January 1994.

The Cooperative Agreement between EPA and TNRCC budgeted \$2,552,898 for all of TNRCC's remedial design and remedial action activities, including the Construction Contract, oversight and the State ten percent cost share and the first year of Operation and Maintenance. The final actual cost expenditure for these activities totaled \$1,383,320.

The EPA/TNRCC community relations activities included: a public meeting in 1985 to explain the Superfund process and to learn of citizen concerns; a questionnaire to area officials and residents requesting information on their concerns or issues related to the Site; an EPA briefing to Fort Worth health officials regarding the proposed remedy; and a meeting in November 1988 to present the alternatives developed in the FS and EPA's preferred alternative for remedial action. In June 1990, TNRCC presented the plans for the Remedial Action (RA). In April 1992, EPA and TNRCC met with railroad personnel working adjacent to the Site to discuss their concerns regarding possible exposures to Site contaminants during the Pesses metal reclamation operations and during the remedial action. EPA and TNRCC explained that they could not determine the worker exposure during the time that Pesses S'West conducted metal reclamation operations, gave the workers information regarding cadmium, nickel and lead poisoning, and suggested that the workers contact their employer-provided physician or their own personal physician. EPA and TNRCC also explained that air monitoring at the perimeter of the Site would ensure that no detectable quantities of contaminants left the Site during remediation activities.

All EPA completion requirements for the Site have been met. Specifically, confirmatory sampling verified that soil and dust contaminated with greater than 15 parts per million (ppm) cadmium or 100 ppm nickel was excavated, stabilized with cement kiln dust, capped and fenced in accordance with the ROD and the ENSC. Confirmatory soil sampling and the backfilling of the excavated areas with clean soil provides further assurance that the area no longer poses any threats to human health or to the environment and no further Superfund response is appropriate.

The Site Review and Update, prepared by the Texas Department of Health under a Cooperative Agreement with the Agency for Toxic Substances

and Disease Registry (ATSDR), issued on September 1, 1993, states that all of ATSDR's previous recommendations have been addressed or can be dismissed. The potential threat to human exposure has been eliminated.

TNRCC's Engineer conducted quarterly Site inspections for TNRCC during the one year Operational and Functional (O&F) period from September 1992 to September 1993 and reported the results to TNRCC. The Site concrete cap and fencing were inspected for integrity. EPA, TNRCC and TNRCC's Engineer conducted the final O&F inspection on September 10, 1993. There were no cracks in the concrete but there were minor surface cracks in the asphalt sealant covering the joint fillers and one hole cut in the fence. Repairs were made. EPA determined that the remedial action was successful in protecting the public health and welfare.

The State assumed all responsibility for Operation & Maintenance (O&M) at the Site as of October 1, 1993. Therefore, long-term O&M of the Site will be under the direction of the State of Texas, as guaranteed in the Cooperative Agreement awarding remedial action funds. O&M consists of inspecting the concrete cap and security fence for integrity and making all needed repairs.

Hazardous substances, above health-based levels, remain in the stabilized and capped soil located on the southern portion of the Site. These materials prevent unlimited use and unrestricted access to this portion of the Site. For this reason, EPA will conduct statutory five-year reviews, pursuant to Office of Solid Waste and Emergency Response Directive 9355.7-02, "Structure and Components of Five-Year Reviews". EPA will conduct the first review before September 1996. These reviews will allow EPA and the State to determine whether the protectiveness of the remedy for the Site will be maintained over time.

Based on the successful stabilization of the hazardous materials onsite, the results of O&M activities to date, and ATSDR's favorable review, the remedy is protective and no additional response action is necessary. State funded O&M and EPA funded five-year reviews will continue in the future, but EPA may proceed with the Site deletion since applicable deletion criteria have been satisfied.

EPA, with concurrence of the State of Texas, has determined that all appropriate responses under CERCLA at the Pesses Chemical Company Site have been completed, and that no further response action, other than O&M and Five-Year reviews, is necessary.

Therefore, EPA proposes to delete the Site from the NPL.

Dated: April 7, 1995.

**A. Stanley Meiburg,**

*Acting Regional Administrator, US EPA Region 6.*

[FR Doc. 95-9384 Filed 4-14-95; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 95-38, RM-8587]

#### Television Broadcasting Services; Kailua, HI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Paul Alfred Tennyson, proposing the allotment of Television Channel 50 to Kailua, Hawaii, as that community's first local television service. The allotment can be made consistent with the minimum distance separation requirements of Section 73.610 of the Commission's Rules. The coordinates for the proposed allotment of Channel 50 to Kailua are North Latitude 21-24-00 and West Longitude 157-44-30. This proposal is not affected by the freeze on television allotments or applications.

**DATES:** Comments must be filed on or before June 1, 1995, and reply comments on or before June 16, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Paul Alfred Tennyson, 305 Hahani Street, #118, Kailua, Hawaii 96734 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Walls, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-38, adopted March 28, 1995, and released April 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1919 M Street, NW, Room 246, or

2100 M Street, NW, Suite 140,  
Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 95-9415 Filed 4-14-95; 8:45 am]

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#### 47 CFR Part 73

[MM Docket No. 95-36, RM-8547]

#### Radio Broadcasting Services; Billings, MT

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Conway Broadcasting requesting the allotment of Channel 298C at Billings, Montana. Channel 298C can be allotted to Billings without a site restriction at coordinates 45-46-48 and 108-30-18.

**DATES:** Comments must be filed on or before June 1, 1995, and reply comments on or before June 16, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Conway Broadcasting, 4415 Fremont Avenue, South, Minneapolis, Minnesota 55409.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-36, adopted March 28, 1995, and released April 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services,

Inc., 2100 M Street, NW, Suite 140, Washington, D.C. 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

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