for this rulemaking. The letter from the Governor of Michigan states that he ''does not object'' to the listing of the sites located in Michigan. EPA believes this constitutes agreement with the Agency's decision to propose the listing and, thus, is a sufficient indication of the governor's concurrence in accordance with the provisions of P.L. 104–19.

NATIONAL PRIORITIES LIST PROPOSED RULE #19 GENERAL SUPERFUND SECTION

| State | Site name | City/county | NPL Gr[1] |
|---|---|---|---|
| GA | LCP Chemicals Georgia | Brunswick | N/A |
| IL | Jennison-Wright Corporation | Granite City | 13 |
| KS | Wright Ground Water Contamination | Wright | 5/6 |
| ME | Eastern Surplus | Meddybemps | 5/6 |
| MI | Aircraft Components (D & L Sales) | Benton Harbor | N/A |
| MI | H & K Sales | Belding | N/A |
| NJ | Franklin Burn | Franklin Township | 13 |
| NJ | Welsback & General Gas Mantle (Camden Radiation) | Camden and Gloucester City | 12 |
| NY | Little Valley | Little Valley | N/A |
| PA | Breslube-Penn, Inc | Coraopolis | 5/6 |
| WV | Hanlin-Allied-Olin | Moundsville | 5/6 |
| WI | Penta Wood Products | Daniels | 5/6 |

Number of Sites Proposed to General Superfund: 12
[1] Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Environmental Protection, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

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.

Dated: September 25, 1995.

Elliott P. Laws,

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. 95–24414 Filed 9–29–95; 8:45 am]

**BILLING CODE 6560–50–P**

## 40 CFR Part 300

**[FRL–5309–1]**

## National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Arsenic Trioxide Site from the National Priorities List: Request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA), Region VIII announces its intent to delete the Arsenic Trioxide Site (Site) from the National Priorities List (NPL) and requests public comment on this action. EPA and the State of North Dakota (State) have determined that all appropriate response actions have been implemented at the Site and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State have determined that remedial activities conducted at the Site are protective of public health, welfare, and the environment.

**DATES:** Comments concerning the propose deletion of the Arsenic Trioxide Site may be submitted to EPA by November 1, 1995.

**ADDRESSES:** Comments may be mailed to: Mr. Barry Levene (8HWM–SR), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

Comprehensive information on this Site is available through the EPA, Region VIII public docker, which is located at EPA's Region VIII Administrative Records Center and is available for viewing from 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. Requests for documents should be directed to the EPA, Region VIII Records Center.

The address for the Regional Records Center is: Administrative Records Center, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, 5th Floor, Denver, Colorado 80202–2466, (303) 293–1807.

Background information from the Regional public docket is also available for viewing at the Arsenic Trioxide site information repositories located at the: North Dakota Department of Health, Missouri Office Building (Room 203), 1200 Missouri Avenue, Bismarck, North Dakota 58504.

Hours: 8 a.m. to 5 p.m., Monday through Friday.

**SUPPLEMENTARY INFORMATION:**

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### I. Introduction

The Environmental Protection Agency (EPA), Region VIII announces its intent to delete the Arsenic Trioxide Site (Site) located in Southeastern, North Dakota, 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), Title 40 of the Code of Federal Regulations (40 CFR), as amended. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment maintains the NPL as a 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 in the unlikely event that future conditions at the site warrant such action.

It is EPA's intent to delete the Arsenic Trioxide Site the NPL. EPA will accept comments on this proposed deletion for thirty days following 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 how the Arsenic Trioxide site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations with regard to an individual site. The NPL is designed primarily for informational

purposes and to assist EPA management.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

For all Remedial Actions (RA) which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, it is EPA's policy that a review of such action be conducted no less than every five years after initiation of the selected RA. As stated under ''Basis for Intended Deletion,'' the selected remedy for the Arsenic Trioxide Site provides arsenic removal from groundwater in compliance with the Safe Drinking Water Act. Institutional Controls are required to ensure that the groundwater remedy remains protective. In accordance with 40 CFR 300.430 (f)(4)(ii), a five-year review is, therefore, required for this Site. A five-year review is scheduled for this site on September 1, 1998.

III. Deletion Procedures

EPA, Region VIII will accept and evaluate public comments before making a final decision to delete the Arsenic Trioxide Site. The following procedures were used for the intended deletion of this Site:

1. EPA, Region VIII has recommended deletion of the Arsenic Trioxide Site and has prepared the relevant documents.

2. The State of North Dakota has concurred with EPA's recommendation for deletion.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate Federal, State and local officials, and other interested parties.

4. The Region has made all relevant documents available in the Regional Office and local site information repositories.

The comments received during the notice and comment period will be evaluated before making a final decision to delete. The Region will prepare a Responsiveness Summary, which will address the comments received during the public comment period.

Subsequent to the public comment period, a deletion will occur after EPA publishes a Notice of Deletion in the Federal Register. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region VIII.

IV. Basis for Intended Site Deletion

The following summary provides EPA's rationale for recommending deletion of the Arsenic Trioxide Superfund Site.

The Arsenic Trioxide Superfund Site is composed of 20 townships in the three counties of Richland, Ransom and Sargent, located in the southeastern corner of North Dakota and encompassing about 568 square miles. This area consists primarily of sparsely populated farmland and includes the small cities of Lidgerwood (Lidgerwood), Milnor (Milnor), and Wyndmere (Wyndmere). Approximately 4,500 people live in the entire study area with approximately 970 in Lidgerwood, 650 in Milnor, and 550 in Wyndmere. Ground water systems include the deeper Dakota Sandstone Aquifer (200 to 1,000 feet below land surface), and the more shallow glacial drift aquifers (3 to 156 feet below land surface).

Arsenic-laced bait was used extensively throughout North Dakota to combat grasshopper infestations in the 1930s and early 1940s. During routine water-quality monitoring of municipal supplies in 1979, the State detected elevated levels of arsenic in Lidgerwood. These levels exceeded the Maximum Contaminant Level (MCL) of 0.05 milligram/liter (mg/1), designated by EPA pursuant to the Safe Drinking Water Act (SDWA), and were determined to be a health risk by the State and EPA. Additional monitoring detected more widespread occurrence of arsenic within ground water below surrounding rural areas. In October 1981, the Site was proposed for listing on the National Priorities List (NPL) as a Superfund Site. Final listing of the Site on the NPL occurred on September 8, 1993.

The State and EPA concluded in a final Remedial Investigation (RI) Report dated December 1985, that the elevated levels of arsenic in ground water resulted both from use of arsenic-based grasshopper bait and naturally occurring sources. It was estimated that 330,000 pounds of arsenic trioxide bait may have been applied to the entire study area. Samples taken along a confirmed area of bait spreading indicated no evidence of remnant arsenic within the soils. The arsenic contamination in the ground water appears to be limited to the seven major unconfined glacial drift aquifers. The Feasibility Study (FS) was completed in September 1986.

During this same time, Lidgerwood was ordered to take appropriate measures to provide drinking water that met the MCL for arsenic. Lidgerwood built a new water treatment plant, overseen by the State under the SDWA, which was completed in 1986.

EPA issued a Record of Decision (ROD) on September 25, 1986. The purpose of the remedy was to reduce human exposure to arsenic-contaminated ground water by providing treated water to households with elevated arsenic levels within the Site through rural water distribution systems. The selected remedy was to provide arsenic removal to below the MCL for arsenic, pursuant to the SDWA. The remedy included:

(1) Expansion of the existing Richland Rural Water Treatment Plant located in Mantador, North Dakota and its associated distribution capacity to provide drinking water to rural households;

(2) ''No Action'' for Lidgerwood, which had constructed and was about to commence using a new water treatment plant built specifically to address arsenic contamination; and

(3) ''No Action'' for Wyndmere, whose water treatment plant was producing water within the SDWA limits for arsenic.

Institutional controls were also to be investigated further, including restrictions on existing well use, restrictions on well drilling, a well-permitting system, and economic incentives for participation in the new distribution system and non-use of well water.

Several developments occurred after the ROD was signed. Lidgerwood requested that the construction of its water treatment plant and the replacement of its distribution system be considered as part of the overall RA for the Site under section 104 of the

Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA) and, therefore, associated costs be considered reimbursable. In addition, the Lidgerwood plant did not work properly after the first six months of operation in the late summer of 1986. Wyndmere also requested that expansion of its water treatment plant's capacity to cover periods of high demand, during which it must bypass its plant with untreated water high in arsenic, be considered as part of the overall RA for the Site.

In April 1987, a Cooperative Agreement (CA) was awarded to the State to study the Lidgerwood and Wyndmere plants, with the objective of determining the extent of repairs necessary to correct problems at the Lidgerwood plant and of verifying the Wyndmere plant's capacity problem. Subsequently, a supplemental RA to the 1986 ROD was approved on February 5, 1988, for:

(1) Reimbursement from the Superfund to Lidgerwood for allowable costs associated with construction of its water treatment plant;

(2) Modification of the Lidgerwood water treatment plant; and

(3) Expansion of the Wyndmere Water Treatment Plant to increase storage capacity. Expansion consisted of a 50,000-gallon, potable water storage reservoir and related minor adjustments and modifications to the existing plant.

EPA designated the Richland Rural Water Treatment System as Operable Unit I (OUI), and Lidgerwood and Wyndmere as OUII.

Between September 1986 and February 1990, additional water-quality monitoring identified arsenic-contaminated ground water in proximity to Milnor. Milnor is located within the areal boundaries of the Site and a portion of the city residents obtained their daily drinking water needs from a shallow ground water source containing elevated concentrations of arsenic.

The Bureau of Reclamation, through an Interagency Agreement (IAG) with EPA and the State, recommended that the Richland Rural Water Treatment Plan distribution be expanded to incorporate Milnor. This action would limit the potential exposure to arsenic-contaminated drinking water supplies of residents within the Milnor city limits. EPA approved Milnor's addition to the remedy for OUI. This is designated as phase 2 of OUI. An Explanation of Significant Differences (ESD) dated September 25, 1992, explains the decision to add Milnor as a second phase of RA for OUI.

The major components of the resultant sitewide remedy included:

(1) Expansion of the existing Richland Rural Water Treatment Plan located in Mantador, North Dakota and its associated distribution capacity to provide safe drinking water to households within the City of Milnor and rural areas within the Site;

(2) Expansion and modification of the existing Lidgerwood Water Treatment Plant to increase treatment capability and storage capacity and, thereby, provide safe drinking water to households within the City of Lidgerwood; and

(3) Expansion and modification of the existing Wyndmere Water Treatment Plant to increase treatment capability and storage capacity and, thereby, provide safe drinking water to households within the City of Wyndmere.

In March 1987, a CA was awarded to the State to develop RD for the expansion of the Richland Rural Water Treatment Plant and distribution system. A subsequent CA to conduct RA was awarded to the State in August 1989. In July 1990, construction at the Richland Rural Water Treatment Plant commenced upon award by the State of RA contracts to three contractors. This construction included some 300 miles of water distribution pipeline, the construction of seven additional water storage reservoirs, the drilling and completion of three additional water supply wells, and the approximate doubling of the existing water treatment system.

A pre-final conference and inspection was conducted by EPA and the State on September 25, 1991; the Operational and Functional (O & F) period would have been formally completed in September 1992, but was delayed due to incorporation of Milnor in OUI.

The CA for RA was amended in September 1991, to incorporate Milnor within the Richland Rural Water Treatment Plant expansion. Activities to add Milnor to the Richland Rural Water Treatment System began in September 1991. During the summer of 1992, a 135,000 gallon potable-water reservoir, a water distribution system with approximately 300 service connections and associated pipelines, and connection to the Richland Rural Water Treatment Plant and distribution system was constructed. EPA and the State, in conjunction with Milnor, conducted a pre-final conference and inspection on August 28, 1992. A pre-final inspection report (Report) was prepared which summarized the completed RA activities for OUI, including Milnor, and presented a description and schedule for completion of the remaining tasks necessary to complete RA. The Report certified that the RA activities were performed according to design and specification requirements set forth in the approved RD as required by the ROD. A Preliminary Close Out Report documenting completion of construction for the entire Site, based upon completion of OU I as the final construction phase, was issued by EPA on September 30, 1992.

The primary punchlist items to be completed included final testing of the Milnor distribution system and restoration of streets affected during construction. These tasks, including the drilling of a fourth water well, were completed by June 18, 1993. A walk-through inspection of both phases of OUI, which confirmed these findings, was conducted by EPA, the State, and Milnor immediately following the final inspection conference on June 28, 1993.

At the State's request, EPA assumed the lead for RA undertaken for Lidgerwood. EPA signed an IAG with the Bureau of Reclamation for construction of Lidgerwood modifications in March 1989. Actual construction for the Lidgerwood plant began August 16, 1989, and was essentially completed by January 30, 1990. A one-year facility shakedown and evaluation of the modifications was completed on January 31, 1991.

In June 1988, EPA awarded a CA to the State to develop RD for the Wyndmere plant. Subsequently, the State awarded the initial contract for construction of the Wyndmere modifications to a local contractor in March 1989. Actual construction for the Wyndmere plant began August 3, 1989, and construction activities were essentially completed by mid-January of 1990. However, minor operating problems developed and additional modifications to the plant were necessary. Among other modifications, a separate post-chlorination system was installed. An additional testing period from May through September 1990, was conducted, and the one-year O & F period was completed in January 1991.

Final inspections of both the Wyndmere and Lidgerwood plants were conducted on January 16, 1991, by EPA, the State, and the cities of Wyndmere and Lidgerwood, respectively. It was determined that modification of the plants was 100 percent complete and the plants were operating as required. Remedial Action Reports for the Wyndmere plant and for the Lidgerwood plant, as approved by EPA in March 1991, certify that the plants have achieved the ROD objective of reducing human exposure to arsenic-

contaminated ground water and that the plants are in compliance with the SDWA MCL for arsenic.

V. Summary of Community Relations Activities

The State and EPA initiated community relations activities in March 1992 by conducting a public meeting to discuss sampling results of the Lidgerwood municipal water supply and private wells within the study area. While not a large meeting, the State has maintained an on-going effort to meet the continued interest expressed by area residents. Community relations activities included public meetings; routine publication of progress fact sheets; development and distribution of a pamphlet entitled, ''Things You Should Know About the Arsenic Sampling of Water Supplies in the Richland, Wyndmere, Lidgerwood Area (An Informal Discussion);'' and a tour of the Rural Water Treatment Plant (OUI) upon the completion of construction activities. A short video titled, ''A Taste of Water'' chronicles the history of the Site and is being publicly distributed.

VI. Site Summary

Based upon validation sampling and analyses of the data gathered from the individual water quality monitoring programs, it has been determined that the RAs for both Operable Units of the Arsenic Trioxide Site have achieved the ROD objective of reducing human exposure to arsenic-contaminated ground water and that the water treatment plants are in compliance with the MCL for arsenic, pursuant to the SDWA. These analyses are included as appendices to each RA Report and are sufficient to support deletion of the Site from the NPL. After deletion from the NPL, the Site will be monitored by the State which has primacy for the Public Water System Supervision (PWSS) program, and which will enforce compliance with all MCLs, including arsenic. EPA, Region VIII's Water Management Division provides oversight of the State's PWSS program. Five-year reviews, or their equivalent, are required at this Site because the remedy will result in hazardous substances remaining on-site above health-based levels. The five-year review will be completed for this site no later than June 30, 1998.

Dated: September 25, 1995.

Jack McGraw,

*Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.*

[FR Doc. 95–24449 Filed 9–29–95; 8:45 am]

BILLING CODE 6560–50–M

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

**RIN 1018–AD50**

## Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Twenty-five Plant Species From the Island of Oahu, Hawaii

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes endangered status pursuant to the Endangered Species Act of 1973, as amended (Act), for 25 plant taxa—*Chamaesyce herbstii* ('akoko), *Chamaesyce rockii* ('akoko), *Cyanea acuminata* (haha), *Cyanea humboldtiana* (haha), *Cyanea koolauensis* (haha), *Cyanea longiflora* (haha), *Cyanea st.-johnii* (haha), *Cyrtandra dentata* (ha'iwale), Cyrtandra subumbellata (ha'iwale), *Cyrtandra viridiflora* (ha'iwale), *Delissea subcordata* ('oha), *Eragrostis fosbergii* (No common name (NCN)), *Gardenia mannii* (nanu), *Labordia cyrtandrae* (kamakahala), *Lepidium arbuscula* ('anaunau), *Lobelia gaudichaudii* ssp. *koolauensis* (NCN), *Lobelia monostachya* (NCN), *Melicope saint-johnii* (alani), *Myrsine juddii* (kolea), *Phyllostegia hirsuta* (NCN), *Phyllostegia kaalaensis* (NCN), *Pritchardia kaalae* (loulu), *Schiedea kealiae* (NCN), *Trematolobelia singularis* (NCN), and *Viola oahuensis* (NCN). All 25 taxa are endemic to the island of Oahu, Hawaiian Islands. The 25 plant taxa and their habitats have been variously affected or are currently threatened by one or more of the following—competition, predation, or habitat degradation from alien species; human impacts; fire; and natural disasters. This proposal, if made final, would implement the Federal protection provisions provided by the Act.

**DATES:** Comments from all interested parties must be received by December 1, 1995. Public hearing requests must be received by November 16, 1995.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to Robert P. Smith, Pacific Islands Ecoregion Manager, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 6307, P.O. Box 50167, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Robert P. Smith, Pacific Islands Ecoregion Manager (see ADDRESSES section) (telephone: 808/541–2749; facsimile 808/541–2756).

**SUPPLEMENTARY INFORMATION:**

Background

*Chamaesyce herbstii, Chamaesyce rockii, Cyanea acuminata, Cyanea humboldtiana, Cyanea koolauensis, Cyanea longiflora, Cyanea st.-johnii, Cyrtandra dentata, Cyrtandra subumbellata, Cyrtandra viridiflora, Delissea subcordata, Eragrostis fosbergii, Gardenia mannii, Labordia cyrtandrae, Lepidium arbuscula, Lobelia gaudichaudii* ssp. *koolauensis, Lobelia monostachya, Melicope saint-johnii, Myrsine juddii, Phyllostegia hirsuta, Phyllostegia kaalaensis, Pritchardia kaalae, Schiedea kealiae, Trematolobelia singularis,* and *Viola oahuensis* are endemic to the island of Oahu, Hawaiian Islands.

The island of Oahu is formed from the remnants of two large shield volcanoes, the younger Koolau volcano on the east and the older Waianae volcano to the west (Department of Geography 1983). Their original shield volcano shape has been lost as a result of extensive erosion, and today these volcanoes are called mountains or ranges, and consist of long, narrow ridges. The Koolau Mountains were built by eruptions that took place primarily along a northwest-trending rift zone (Macdonald *et al.* 1983) and formed a range now approximately 60 kilometers (km) (37 miles (mi)) long (Foote *et al.* 1972). Median annual rainfall for the Koolau Mountains varies from 130 to 640 centimeters (cm) (50 to 250 inches (in)), most of which is received at higher elevations along the entire length of the windward (northeastern) side (Taliaferro 1959).

Nineteen of the proposed plant taxa occur in the Koolau Mountains—*Chamaesyce rockii, Cyanea acuminata, Cyanea humboldtiana, Cyanea koolauensis, Cyanea longiflora, Cyanea st.-johnii, Cyrtandra dentata, Cyrtandra subumbellata, Cyrtandra viridiflora, Delissea subcordata, Gardenia mannii, Labordia cyrtandrae, Lobelia gaudichaudii* ssp. *koolauensis, Lobelia monostachya, Melicope saint-johnii, Myrsine juddii, Phyllostegia hirsuta, Trematolobelia singularis,* and *Viola oahuensis.* The vegetation communities of the Koolau Mountains, especially in the upper elevations to which many of the proposed plant taxa are restricted, are primarily lowland mesic and wet forests dominated by *Metrosideros polymorpha* ('ohi'a) and/or other tree or