Interested persons are invited to submit written comments on the proposed regulation. A record has been established for this rulemaking under docket number [PP 0E3853/P640] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Administrative Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 17, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding new § 180.488, to read as follows:

§ 180.488 Hexaconazole; tolerance for residues.

A tolerance is established for residues of the fungicide hexaconazole, [alpha-butyl-alpha-(2,4-dichloro-phenyl)-1*H*-1,2,4-triazole-1-ethanol)], in or on the imported raw agricultural commodity bananas at 0.1 part per million. This tolerance will expire on [*3 years after the signature date of the final rule*]. There are no U.S. registrations as of January 31, 1996 for use on bananas.

[FR Doc. 96–1917 Filed 1–30–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5403–3]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List for Uncontrolled Hazardous Waste Sites; Notice of Intent to Delete 29th and Mead Ground Water Contamination Site from the National Priorities List (NPL): Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the 29th and Mead Ground Water Contamination Site in Wichita, Sedgwick County, Kansas, from the National Priorities List (NPL) and requests public comment 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 of 1980 (CERCLA), as amended.

Because of the unique circumstances surrounding the 29th and Mead Ground Water Contamination Site, the Agency has determined that no further federal steps under CERCLA are appropriate. The Site will instead, in a pilot project, be deferred to the State of Kansas and addressed by the Kansas Department of Health and Environment (KDHE). EPA will consider the effectiveness and efficiency of the Site cleanup as well as the likelihood that a similarly favorable outcome could be reproduced elsewhere before determining whether such a policy will be considered for other sites. The rationale supporting this action is explained in the Basis for Intended Site Deletion section.

DATES: Comments concerning the proposed deletion of the 29th and Mead Ground Water Contamination Site should be submitted on or before March 1, 1996.

ADDRESSES: Mail original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; (Mail Code 5201G); 401 M Street, SW; Washington, D.C. 20460; (703) 603–8917.

Comprehensive information on the 29th and Mead Ground Water Contamination Site is maintained in the public docket, which is available for public review at the information

repositories in three locations. Requests for appointments or copies of the background information from the public docket should be directed to:

Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office (Mail Code 5201G); Crystal Gateway #1, 1st Floor; 1235 Jefferson Davis Highway; Arlington, VA 22202. Phone: (703) 603–9232; Hours: 9:00 a.m. to 4:00 p.m. Monday through Friday excluding Federal holidays. (Please note this is viewing address only. Do not mail documents to this address.)

U.S. Environmental Protection Agency, Region VII; 726 Minnesota Avenue; Kansas City, Kansas 66101. Phone: (913) 551–7959. Hours: 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding Federal holidays.

Wichita District Office; Kansas Department of Health and Environment; 130 S. Market St., Suite 6050; Wichita, Kansas 67202–3802. Phone: (316) 337–0620; Hours: 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding state holidays.

FOR FURTHER INFORMATION CONTACT: Site-specific questions should be directed to Kenneth Rapplean; U.S. Environmental Protection Agency; Region VII; 726 Minnesota Avenue, Superfund Division; Kansas City, Kansas 66101; Tel. (913) 551–7769. General questions should be directed to Mary Ann Rich; Office of Emergency and Remedial Response (Mail Code 5204G); U.S. Environmental Protection Agency; 401 M Street, SW; Washington, D.C. 20460; Tel. (703) 603–8825.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for the Intended Deletion of the 29th and Mead Site from the NPL

I. Introduction

The Environmental Protection Agency announces its intent to delete the 29th and Mead Ground Water Contamination Site in Wichita, Sedgwick County, Kansas from the NPL, which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this proposed deletion. 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 Substances Superfund Response Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions should future conditions at the Site warrant such action. EPA will accept comments concerning this Site for thirty (30) calendar days after publication of this Notice in the Federal Register.

Section II of this Notice explains the criteria for the deletion of this Site from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with the NCP at 40 CFR 300.425(e), sites may be deleted from the NPL where no further Fund-financed CERCLA response action is appropriate. EPA typically considers, in consultation with the State, whether any of the following criteria has been met: (i) Responsible parties or other persons have implemented all appropriate response actions required; (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.

In light of the planned State action in this case, EPA finds that all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties under CERCLA is appropriate. Deletion under this approach does not indicate that the cleanup has been completed, but rather that no further Superfund involvement is necessary, and that the Agency expects the response to be completed under an Agreement between the City of Wichita and the Kansas Department of Health and Environment (KDHE). In the event such response action is not taken under KDHE oversight, EPA retains the right to take further remedial action at this site, and to restore this Site to the NPL. CERCLA 105(e); 40 CFR 300.425(e)(3).

III. Deletion Procedures

The NCP at 40 CFR 300.425(e) specifies the procedures to be followed in deleting sites from the NPL. It directs that Notice and an opportunity to comment must be given before deleting sites from the NPL. By this Notice, EPA intends to notify the public of its proposal to delete the 29th and Mead Ground Water Contamination Site from the NPL, and it will accept comments from the public on this proposal for a period of thirty (30) days after the date of publication in the Federal Register. The following procedures were used for the intended deletion of this Site:

(1) EPA has recommended deletion and has prepared the relevant documents.

(2) The State has concurred with the proposed deletion decision after reviewing the deletion Notice and providing comments to EPA before its publication in the Federal Register. The State reviewed the Notice in less than the usual 30 days allotted for such review.

(3) A notice has been published in a major local newspaper and has been distributed to appropriate Federal, State, and local officials, and other interested parties.

(4) EPA has made all relevant documents available in the Regional Office and local Site information repository.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designated primarily for information purposes and to assist EPA management. As mentioned in Section II of this Notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

EPA will accept and evaluate public comments before making a final decision to delete, and will address them in a Responsiveness Summary, which EPA will place in the docket for this decision.

Because the deletion of this site presents nationally significant issues, the Federal Register Notice proposing to delete this Site from the NPL will be signed by the Assistant Administrator, Office of Solid Waste and Emergency Response. The NPL will reflect any deletions in the next final rule. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region VII.

IV. Basis for Intended Site Deletion

The 29th and Mead Ground Water Contamination Site is located in northern Wichita, Kansas and includes a mixture of residential, commercial, and industrial development. The Site is a ground water plume that covers approximately 1,440 acres. Among contaminants detected in significant concentrations in the ground water are volatile organic compounds (VOCs), including trichloroethylene, carbon tetrachloride, toluene, benzene, ethylbenzene, methylene chloride, trans- and/or cis-1,2-dichloroethylene, vinyl chloride, and 1,1,1-

trichloroethane. The Site was placed on the NPL on February 21, 1990 (55 FR 6154).

On July 30, 1994, the City of Wichita, Kansas, petitioned the Administrator of the Environmental Protection Agency to remove the 29th and Mead Ground Water Contamination Site from the NPL, in effect, by revising the Site's Hazard Ranking System (HRS) score. On November 29, 1994, EPA denied the petition, in part because there was no reason to change the HRS scoring of the Site.

The Agency, however, recognizes that legitimate issues were raised regarding the overall process for Site cleanup developed by the City and State, and has reconsidered its decision not to delete the Site from the NPL. This decision is not based on any re-evaluation of the Site or the Hazard Ranking System score but rather on the City's previous successful development of a strategy for cleanup of the Gilbert and Mosley Site, a site that was deferred to the State, and the expectation that the City and the State, through their enforceable agreement, can accomplish the same results at the 29th and Mead Ground Water Contamination Site without additional federal intervention. The reasoning for this decision is described below. EPA will use the results of this pilot project to evaluate the efficiency and effectiveness of the Site cleanup before determining whether to grant future deletions of final NPL sites based on deferrals to states.

EPA finds that, because the City and the State have agreed to address the contamination at the 29th and Mead Site, no further response action under CERCLA is necessary at this Site due to the following circumstances:

First, Kansas is one of seven states to pilot and successfully implement EPA's state deferral program. The purpose of the deferral program is to encourage qualified, interested States to address, under State laws, the large number of sites now in EPA's listing queue, thereby accelerating cleanup. Kansas has worked actively with EPA and Potentially Responsible Parties (PRPs) to ensure successful cleanup of these sites.

Second, the cleanup of the 29th and Mead Ground Water Contamination Site will be patterned after another pilot site, Gilbert and Mosley, one of ten sites that was deferred to the State prior to proposal to the NPL under EPA's Superfund Administrative Improvements Program. The City of Wichita, in partnership with KDHE, successfully developed a strategy for cleanup of that site. Specifically, the City:

(1) Entered into an enforceable agreement with KDHE;

(2) Has secured agreement from one of the principal PRPs at Gilbert and Mosley (Coleman Company) to pay their part of the cleanup;

(3) Issued Certificates of Release to property owners participating in the cleanup strategy which ensure that no contribution suits will be filed by parties participating in the settlement;

(4) Developed an agreement with financial institutions to re-establish lending in the area, and obtained up-front financial commitments to fund the capital investment of the clean-up costs and studies required;

(5) Implemented a tax increment financing (TIF) district where, after improvements were made, the higher restored property values provided the tax base to pay for the improvements; and

(6) Established a Technical Advisory Committee and a Citizens Steering Committee to facilitate citizen involvement;

(7) Agreed to plan and ensure implementation of a remedial investigation, remedial design and cleanup of the site.

The City of Wichita received the 1992 Ford Foundation and Kennedy School of Government Innovations in State and Local Government Award for its creative solutions to the Gilbert and Mosley Superfund site. The remedial design for an interim groundwater containment and treatment system is now being developed pursuant to the Gilbert and Mosley agreement, and the project is ahead of the schedule proposed in that agreement.

Third, the two sites are adjacent and the principal PRP has been cooperative at both sites.

Fourth, based on this experience, EPA expects that KDHE and the City of Wichita will undertake similar efforts that will be protective of human health and the environment at the 29th and Mead Ground Water Contamination Site.

The City of Wichita has now entered into an enforceable agreement with KDHE under which the City will assume responsibility for funding and developing a cleanup strategy at the 29th and Mead site. A copy of the Agreement is available for review at the three docket locations listed in the **ADDRESSES** section above.

This action is consistent with EPA's reinvention of environmental regulation to achieve the best results at the least cost through emphasis on performance-based management. In particular, this action reflects the goals of the XL Program (FRL–5197–9; May 23, 1995) by providing flexibility to replace current requirements with alternative strategies that achieve better bottom line environmental results. This action also reflects the goals of EPA's community-based environmental protection initiative by empowering state and local officials to better meet the needs and priorities of the communities.

For these reasons EPA proposes to delete the 29th and Mead Ground Water Contamination Site from the NPL.

Should conditions change (i.e., insufficient progress toward cleanup), nothing shall preclude the Environmental Protection Agency from restoring this facility to the NPL in the future should the Agency determine, after consultation with the State, that such listing will facilitate the implementation of response actions in a timely manner. Should that be deemed necessary and EPA determines that there is a significant release from the Site, the Agency may take remedial action at the site, and may restore the Site to the NPL without application of the HRS under 40 CFR 300.425(e)(3).

Dated: December 14, 1995.

Elliott P. Laws,

Assistant Administrator.

[FR Doc. 96–1715 Filed 1–30–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATION COMMISSION

47 CFR Part 15

[ET Docket 95–177; FCC 95–488]

Biomedical Telemetry Devices

AGENCY: Federal Communication Commission.

ACTION: Proposed Rule.

SUMMARY: By this action, the Commission proposes to expand the available frequencies and increase the permitted power for unlicensed biomedical telemetry devices operating on VHF and UHF television channels. This is in response to a petition for rule making, filed on December 23, 1994, by the Critical Care Telemetry Group (CCTG). The Commission seeks to provide reasonable access to additional spectrum to meet the needs of CCTG and the health care industry while protecting existing television and future advanced digital television services from potential interference.

DATES: Comments are due on or before April 16, 1996. Reply comments are due on or before May 16, 1996.