and its ancillary equipment that commenced construction or reconstruction on or after December 9, 1991 and before September 22, 1993 shall comply with §§ 63.322 (c), (d), (i), (j), (k), (l), and (m), 63.323(d), and 63.324 (a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) beginning on December 20, 1993 and shall comply with other provisions of this subpart by September 23, 1996.

(d) Each existing dry-to-dry machine and its ancillary equipment located in a dry cleaning facility that includes only dry-to-dry machines, and each existing transfer machine system and its ancillary equipment and each new transfer machine system and its ancillary equipment installed between December 9, 1991 and September 22, 1993 as well as each existing dry-to-dry machine and its ancillary equipment, located in a dry cleaning facility that includes both transfer machine system(s) and dry-to-dry machine(s) is exempt from § 63.322, § 63.323, and § 63.324, except paragraphs 63.322 (c), (d), (i), (j), (k), (l), and (m), 63.323(d), and 63.324 (a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) if the total perchloroethylene consumption of the dry cleaning facility is less than 530 liters (140 gallons) per year. Consumption is determined according to § 63.323(d).

(e) Each existing transfer machine system and its ancillary equipment, and each new transfer machine system and its ancillary equipment installed between December 9, 1991 and September 22, 1993 located in a dry cleaning facility that includes only transfer machine system(s) is exempt from § 63.322, § 63.323, and § 63.324, except paragraphs 63.322 (c), (d), (i), (j), (k), (l), and (m), 63.323(d), and 63.324 (a), (b), (d)(1), (d)(2), (d)(3), (d)(4), and (e) if the perchloroethylene consumption of the dry cleaning facility is less than 760 liters (200 gallons) per year. Consumption is determined according to § 63.323(d).

(f) If the total yearly perchloroethylene consumption of a dry cleaning facility determined according to § 63.323(d) is initially less than the amounts specified in paragraph (d) or (e) of this section, but later exceeds those amounts, the existing dry cleaning system(s) and new transfer machine system(s) and its (their) ancillary equipment installed between December 9, 1991 and September 22, 1993 in the dry cleaning facility must comply with § 63.322, § 63.323, and § 63.324 by 180 calendar days from the date that the facility determines it has exceeded the amounts specified, or by September 23, 1996, whichever is later.

* * * * *

3. Section 63.322 is amended by revising paragraphs (a) introductory text and (b) introductory text to read as follows:

§ 63.322 Standards.

(a) The owner or operator of each existing dry cleaning system and of each new transfer machine system and its ancillary equipment installed between December 9, 1991 and September 22, 1993 shall comply with either (a)(1) or (a)(2) of this paragraph and shall comply with (a)(3) of this paragraph if applicable.

* * * * *

(b) The owner or operator of each new dry-to-dry machine and its ancillary equipment and of each new transfer machine system and its ancillary equipment installed after September 22, 1993:

* * * * *

[FR Doc. 96–11079 Filed 5–2–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 170

[OPP–250101B; FRL–5366–2]

Exceptions to Worker Protection Standard Early Entry Restrictions; Limited Contact Activities; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: EPA issued a document in the Federal Register that proposed a rule change allowing early entry into pesticide-treated areas. In that proposal, EPA indicated that methyl parathion requires both oral and written notification (''double notification'') of agricultural workers when it is applied. Methyl parathion was mentioned incorrectly, as the Agency had previously determined that its acute dermal toxicity is Toxicity Category II, which does not require double notification. Moreover, a study of methyl parathion's potential for acute dermal irritation demonstrated that it is Toxicity Category IV and that it is not a skin sensitizer.

FOR FURTHER INFORMATION CONTACT: Joshua First, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 1921 Jefferson Davis Highway, Crystal Mall #2, Rm. 1121, Arlington, VA, 703-305-7437, e-mail: first.joshua.@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 11, 1995 (60 FR 2842) (FRL-4930-4), EPA issued a proposed rule to change allowing early entry into pesticide-treated areas under certain conditions (the proposal was subsequently finalized on May 3, 1995 (60 FR 21955) (FRL-4950-4). In the January 11th proposal, EPA described some pesticides whose labeling requires ''double notification'' when those pesticides are applied. The ''double notification'' requirement is set by the Worker Protection Standard (40 CFR part 170). EPA is hereby stating that its previous indication that methyl parathion requires ''double notification'' was incorrect. Methyl parathion does not require ''double notification.''

Lists of Subjects

Environmental protection, Administrative practice and procedure, Labeling, Occupational safety and health, Pesticides and pests.

Dated: April 26, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 96–11074 Filed 5–2–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5465–5]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Whiteford Sales & Service Superfund Site South Bend, Indiana.

SUMMARY: The Environmental Protection Agency (EPA) Region 5 announces its intent to delete the Whiteford Sales & Service, Inc. (WSS) site from the National Priorities List (NPL) and requests public comment on this proposed action. As specified in Appendix B of 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), it has been determined that all appropriate Fund-financed responses at the site under CERCLA have been implemented. EPA, in consultation with the State of Indiana, has determined that the WSS site poses no significant threat to public

health or the environment and that no further clean-up action at the site is appropriate. Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such action.

DATES: Comments concerning this proposed NPL deletion may be submitted June 3, 1996.

ADDRESSES: Comments may be mailed to: Mary Tierney, U.S. EPA Region 5 (SR–6J), 77 W. Jackson Blvd., Chicago, IL 60604.

Comprehensive information on the WSS site is available at the local information repository located at the St. Joseph County Public Library, Main Branch, 122 W. Wayne St., South Bend, Indiana. Requests for copies of documents should be directed to: E. Levy, U.S. EPA Region 5 (MRI–13J), 77 W. Jackson Blvd., Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT:

Mary Tierney, U.S. EPA Region 5 (SR–6J), 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–4785.

Dave Novak, U.S. EPA Region 5 (P–19J), 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–9840.

Mary McAuliffe, U.S. EPA Region 5 (C–29A), 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–6237.

Scott Hansen, IDEM, 100 N. Senate Ave., P.O. Box 6015, Indianapolis, IN 46206, (317) 233–0542.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion
V. Conclusion

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region 5 announces its intent to delete the Whiteford Sales & Service, Inc. (WSS) site from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this proposed deletion. 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. As described in section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for additional Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA will accept comments on this proposal to delete the WSS site from the NPL for 30 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 history of the WSS site and explains how the site meets the deletion criteria. Section V summarizes the conclusions of this notice.

II. Deletion Criteria

The 1985 amendments to the NCP established the criteria the EPA uses to delete a site from the NPL. Section 40 CFR 300.425(e) provides that sites ''may be deleted from or recategorized on the NPL where no further response is appropriate''. In making a determination to delete a site 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 parties have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further 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 under CERCLA.

Deletion of a site from the NPL does not preclude its eligibility for subsequent Fund-financed actions if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL. Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations.

III. Deletion Procedures

Upon determination that at least one of the criteria described in section 300.425(e) of the NCP has been met, EPA may formally begin deletion procedures. The steps that have occurred prior to publication of this notice of intent to delete from the NPL are: (1) EPA, with the concurrence of the Indiana Department of Environmental Management (IDEM), issued a Record of Decision (ROD) which provided for No Action to be taken at the WSS site; (2) IDEM concurred with the proposed deletion decision; and (3) a local information repository was updated and a deletion docket established. This Federal Register notice, and a concurrent notice in the local newspaper in the site area, announce the initiation of a 30-day public comment period on EPA's notice of intent to delete the WSS site from the NPL. The notice has also been distributed to appropriate federal, state, and local officials, and other interested parties.

All comments from the public on EPA's intention to delete the WSS site from the NPL are requested at this time. Critical documents for evaluating EPA's decision are available in the information repository and deletion docket at the location listed on the first page of this notice. Upon completion of the public comment period, the EPA Regional Office will prepare a responsiveness summary to evaluate and address concerns which were raised during the comment period. The public is welcome to contact the EPA Regional Office to obtain a copy of this responsiveness summary. If, after reviewing public comments, EPA still determines that deletion from the NPL is appropriate for this site, a Final Notice of Deletion will be published in the Federal Register. The WSS site will then be officially deleted at the time of the subsequent NPL rulemaking.

IV. Basis for Intended Site Deletion

The following summary provides the EPA's rationale for the proposal to delete the WSS site from the NPL.

A. Site Background

The WSS site covers an area of approximately 11 acres and was formerly the location of a truck washing and leasing operation. The site is located within the city limits of South Bend, St. Joseph County, Indiana, approximately 1½ miles southwest of downtown. The area in the vicinity of the site is primarily commercial and light industrial in nature. Exit and entrance ramps for a street overpass border the site on its north and west sides, a scrap yard is located east of the site, and truck warehousing operations are located to the south. A municipal well field, currently not in operation, is located 800 feet west of the site. The WSS site now serves as a storm water retention basin for collection of run-off from the adjacent street overpass and from nearby streets.

B. Site History

Truck washing and leasing activities occurred at the WSS site from 1967 through 1983. During its operation, the facility used various solvents and detergents to clean and degrease truck frames and engines. Floor drains in the truck washing areas discharged to three unlined dry wells on the property.

In 1980, St. Joseph County purchased the property from the former owners in order to construct the street overpass now adjacent to the site. Truck washing

operations continued at the site until 1983 when overpass construction work began. Excavation activities conducted as part of the overpass construction led to the discovery of the three on-site dry wells. Sludge from the wells was found to be Resource Conservation and Recovery Act (RCRA) characteristic due to ignitability. In June 1987, under a Consent Decree signed by the former owners of the property, St. Joseph County and IDEM, approximately 210 cubic yards of soil and sludge were removed from in and around the dry wells and disposed of properly. Because a RCRA facility upgradient from the WSS site was a documented source of volatile organic compound (VOC) groundwater contamination, it was not clear what contribution the contamination on the WSS site may have had on the adjacent municipal well field. Due to the historical VOC contamination of the municipal well field west of the site, the potential for groundwater contamination at the WSS site to migrate to the well field, and the soil contamination discovered at WSS, the site was scored using the Hazard Ranking System (HRS) method, was proposed for NPL listing in June 1988, and was placed on the NPL in October 1990. A remedial investigation was conducted at the site from September to December 1990 to characterize the nature and extent of contamination and to assess potential risks to human health and the environment that the site posed.

Based on the results of the remedial investigation and the site baseline risk assessment, a Proposed Plan recommending No Action was prepared. A public meeting was held to address questions about the recommendation, and EPA responded to all public comments. None of the comments received voiced objections to the recommended action. A ROD for the WSS site was signed on September 29, 1995, which documented the decision that no further remedial action was necessary at the site due to the lack of unacceptable risks posed by the site to human health and the environment.

C. Characterization of Risk

The remedial investigation of the WSS site included the collection of seventeen (17) surface and subsurface soil samples, the installation and sampling of eleven (11) monitoring wells, and the collection of groundwater samples from one adjacent extraction well and six municipal wells. All samples were analyzed for VOCs, semi-volatile organic compounds (SVOCs), base/neutral extractable compounds, pesticides, polychlorinated biphenyls, and inorganic compounds (including metals). Sampling results were used to prepare a baseline risk assessment for the site. After results from the baseline risk assessment were carefully analyzed by an EPA toxicologist, EPA determined that the WSS site does not pose a significant current or future risk to human health or the environment. An investigation at and cleanup of the RCRA facility upgradient of the WSS site that is a documented source of VOC contamination in groundwater continues under oversight from the RCRA Program. In addition, monitoring of wells in all of the City of South Bend municipal well fields continues under the auspices of the State of Indiana to ensure that all requirements of the Safe Drinking Water Act (SDWA) are being met.

V. Conclusion

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if ''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''. EPA, with concurrence from IDEM, has determined that this criterion for deletion has been met. Consequently, EPA is proposing deletion of the WSS site from the NPL. Documents supporting this action are available in the site deletion docket.

Dated: April 11, 1996.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 96–11078 Filed 5–2–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF ENERGY

48 CFR Parts 901, 905, 906, 908, 915, 916, 917, 922, 928, 932, 933, 935, 936, 942, 945, 952 and 971

RIN 1991–AB25

Acquisition Regulation; Regulatory Reinvention

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) proposes to amend the Department of Energy Acquisition Regulation (DEAR) in its continuing effort to streamline and simplify the acquisition process and to meet the objectives of several Executive Orders (EO), including: EO 12861, Elimination of One-Half of Executive Branch Internal Regulations; EO 12931, Federal Procurement Reform; and EO 12866, Regulatory Planning and Review. This proposed rule revises certain regulatory material and deletes other material that has been determined to be nonregulatory and unnecessary. Specific material to be revised or deleted from the DEAR is summarized in the ''Section-by-Section Analysis'' appearing later in this document.

DATES: Written comments should be forwarded no later than July 2, 1996.

ADDRESSES: Send written comments to the attention of Kevin M. Smith, Office of Policy (HR–51), Office of Procurement and Assistance Management, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Kevin M. Smith, (202) 586–8189.

SUPPLEMENTARY INFORMATION:

I. Background
II. Section-by-Section Analysis
III. Procedural Requirements
A. Review Under Executive Order 12866
B. Review Under Executive Order 12778
C. Review Under the Regulatory Flexibility Act
D. Review Under the Paperwork Reduction Act
E. Review Under Executive Order 12612
F. Review Under the National Environmental Policy Act
G. Public Hearing Determination

I. Background

Executive Order (EO) 12861, dated September 11, 1993, Elimination of One-Half of Executive Branch Internal Regulations, was issued by the President to streamline Government operations, improve productivity, and improve customer service. EO 12931, dated October 13, 1994, Federal Procurement Reform, calls for significant changes to make the Government procurement process more effective and efficient. EO 12866, dated September 30, 1993, Regulatory Planning and Review, requires agencies to review regulations to improve effectiveness and to reduce regulatory burden. This proposed rule represents DOE's third action to eliminate existing regulatory material that is unnecessary. In promulgating this rule, the Department will further the objectives of the EOs by reducing the volume of the DEAR; streamlining operations; reducing constraints, prescriptive requirements, and administrative processes; making requirements outcome oriented vs. process oriented; and, defining roles and assigning responsibilities at the lowest appropriate level within the procurement organization. This proposed rule makes three types of changes to the DEAR. Certain regulatory coverage is being revised and condensed