b. In 186.5250, by adding paragraph (c) to read as follows:

§ 186.5250 Quizalofop ethyl.

* * * * *

(c) A maximum residue level regulation is established permitting residues of quizalofop (2-(4-(6-chloroquinoxalin-2-yl)oxy)phenoxy) propanoic acid) and quizalofop ethyl (ethyl 2-[4-(6-chloroquinoxalin-2-yl)oxy)phenoxy)-12-propanoate, in or on the following feed resulting from application of the herbicide to canola.

Feed	Parts per million
canola, meal	1.5

This regulation reflects the maximum level of residues in canola meal consistent with the use of quizalofop ethyl on canola in conformity with 180.441 of this chapter and with the use of good manufacturing practices.

[FR Doc. 96–15200 Filed 6–13–96; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5519–3]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Leetown Pesticides Site in Leetown, Jefferson County, West Virginia, from the National Priorities List; Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA) Region III announces its intent to delete the Leetown Pesticides Site (Site) from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B to 40 CFR part 300. Part 300 comprises 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 (CERCLA) of 1980, as amended. EPA and the West Virginia Division of Environmental Protection have determined that all appropriate CERCLA actions have been implemented and that the Site poses no significant threat to public health or the environment. Therefore, further remedial measures pursuant to CERCLA are not needed.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before July 15, 1996.

ADDRESSES: Comments may be submitted to EPA's Remedial Project Manager for the Leetown Pesticides Site: Melissa Whittington (3HW23), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (whittington.melissa@epamail.epa.gov)

Comprehensive information on this Site is available for viewing at the Site information repositories at the following locations:

U.S. EPA Region III, 9th Floor Library, 841 Chestnut Building, Philadelphia, Pennsylvania 19107

Old Charles Town Public Library, 200 East Washington Street, Charles Town, West Virginia 25414

FOR FURTHER INFORMATION CONTACT: Melissa Whittington, Remedial Project Manager, at the address above or by telephone at (215) 566–3235.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis For Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region III announces its intent to delete the Leetown Pesticides Site, which is located in Leetown, West Virginia, from the National Priorities List (NPL), Appendix B to 40 CFR part 300, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this decision. EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As discussed in the NCP at 40 CFR 300.425(e)(3), a site deleted from the NPL remains eligible for remedial action in the unlikely event that conditions at the site warrant such action in the future.

EPA will accept comments on the proposal to delete this Site from the NPL for thirty calendar 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 the procedures that EPA is using for this action. Section IV discusses the Leetown Pesticides Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP at 40 CFR 300.425(e) provides that sites may be deleted from or recategorized on the NPL where no further response is appropriate. Specifically, this section of the NCP provides that, 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 persons 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.

The NCP at 40 CFR 300.425(e) further provides that sites may not be deleted from the NPL until the State in which the site is located has concurred on the proposed deletion. All sites deleted from the NPL are eligible for further Fund-financed remedial actions should future conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

III. Deletion Procedures

The procedures required to ensure public involvement during a proposal to delete a site from the NPL are enumerated at 40 CFR 300.425(e)(4). Pursuant to that section, EPA has published this Notice of Intent to Delete, together with concurrent notices in the local newspapers in the vicinity of the Site, to announce the initiation of a 30-day public comment period. The public is asked to comment on EPA's intention to delete the Site from the NPL. All documents supporting EPA's intention to delete the Site from the NPL are available for inspection by the public at the information repositories located at the addresses listed above.

EPA will accept and evaluate public comments on this Notice of Intent to Delete before making a final decision on the deletion. If EPA receives any significant comments during the public comment period, the Agency will prepare a Responsiveness Summary to address those comments.

A deletion occurs when the Regional Administrator places a final deletion notice in the Federal Register. Once this

has occurred, each subsequent publication of the NPL will reflect that the Site has been deleted. Public notices and copies of the Responsiveness Summary, if any, will be placed in the Site information repositories listed above.

IV. Basis for Intended Site Deletion

The following site summary provides EPA's rationale for the proposal to delete the Leetown Pesticides Site from the NPL:

A. Site Background

The Site is located in Leetown, Jefferson County, West Virginia, in the extreme northeastern portion of the state, approximately 8 miles south of Martinsburg, West Virginia. The Site consists of three separate parcels in the vicinity of the town of Leetown which were contaminated with pesticides: the former Pesticide Pile Area, the former Pesticide Mixing Shed, and the Crimm Orchard Packing Shed.

The former Pesticide Pile Area is alleged to have received pesticide-contaminated debris from a fire at a local chemical company in 1975. The contamination at the former Pesticide Pile Area was the residue left after the removal of approximately 160 cubic yards of pesticide-contaminated debris in June of 1983.

The former Pesticide Mixing Shed was used during the active operation of the Jefferson Orchard to formulate pesticides for use at the orchard. The eastern portion of the Crimm Orchard Packing Shed was used for the formulation of pesticides for application at the former Crimm Orchard and for storing containers of pesticides, most of which were open and leaking.

The contaminants of concern at the Site included DDT and its metabolites, DDD and DDE, and the alpha, beta, delta, and gamma isomers of hexachlorocyclohexane (HCCH). Gamma HCCH is also known as Lindane.

B. History and Characterization of Risk

Evidence of hazardous waste activity was first brought to the attention of EPA in 1981 by representatives of the National Fisheries Center in nearby Kearneysville, West Virginia. Between 1980 and 1983, EPA conducted a number of investigations which included sampling of the debris pile in the former Pesticide Pile Area and locations in the immediate vicinity of the Pesticide Pile Area, including residential wells, the Fisheries Center, the Grey and Bell Springs, and the Jefferson County solid waste landfill. The Site was proposed for inclusion on the original Superfund NPL in December of 1982, and officially placed on the NPL in September of 1983.

EPA conducted sampling for the Remedial Investigation (RI) between 1984 and 1985. The RI focused on areas in the vicinity of Leetown where the surface disposal of pesticides, agricultural use of pesticides or the landfilling of pesticides had occurred. The areas to be investigated were identified through an aerial photographic survey conducted by EPA and information received from local sources. After evaluating the results of the RI sampling, EPA narrowed the areas of concern to the former Pesticide Pile Area, the former Pesticide Mixing Shed, and the Crimm Orchard Packing Shed. The RI determined the extent of contamination and the risks to human health and the environment posed by the contamination in these areas. The RI was followed by a Feasibility Study (FS), also conducted by EPA, which identified cleanup alternatives to address those risks.

The RI and FS reports were released to the public for review on March 6, 1986. This marked the beginning of the public comment period which closed on March 27, 1986. During the comment period, EPA recommended Alternative 7 from the FS as EPA's preferred remedial alternative. A public meeting to discuss EPA's preferred remedial alternative was held on March 20, 1986. On March 31, 1986, a Record of Decision (ROD) was issued which identified Alternative 7 as the Selected Remedy. Alternative 7 consisted of the following actions: (1) Demolition and off-site disposal of the eastern portion of the Crimm Orchard Packing Shed and its contents; and (2) anaerobic biodegradation of the pesticide-contaminated soils from the former Pesticide Pile Area, the former Pesticide Mixing Shed and the soils from under the Crimm Orchard Packing Shed. A total estimated volume of 3,600 cubic yards of soil were to be consolidated and placed in treatment beds to be constructed on-site.

The demolition and off-site disposal of the eastern portion of the Crimm Orchard Packing Shed and its contents began on February 24, 1988 and was completed on April 22, 1988. EPA performed treatability studies for the bioremediation of the consolidated soils on two separate occasions. The first treatability study, which tested the effectiveness of anaerobic biodegradation, was performed from May 1986 to April 1987. This study was not successful in meeting the cleanup levels specified in the ROD. EPA performed treatability studies for two other biological treatment processes from April 1989 to January 1990. One process utilized white rot fungus; the other process utilized a combination of aerobic and anaerobic biodegradation. Again, neither of these processes were able to successfully treat the soils to meet the cleanup levels specified in the ROD.

In 1990, as part of the second phase of treatability studies, EPA reviewed the cleanup levels established in the ROD to determine if these levels continued to be appropriate to protect human health and the environment. During this review, it was discovered that the methodology used in the 1986 risk assessment was no longer utilized by EPA in determining risks to human health. Specifically, the 1986 risk assessment was based on the maximum human exposure to the contaminants at the Site, including the maximum observed concentrations. However, the Risk Assessment Guidance for Superfund (RAGS) which EPA issued in December of 1989, EPA/540/1–89/002, stated that quantitative risk assessments should be based on Reasonable Maximum Exposure (RME) scenarios. Because the 1986 risk assessment appeared to be overly conservative compared to a risk assessment that would result from utilizing RAGS, EPA recalculated the risks to human health using the RME scenarios and determined that the contaminants of concern at the Site did not pose an unacceptable risk to human health or the environment.

On February 6, 1992, as a result of the revised risk assessment described above, EPA issued a Proposed Remedial Action Plan (Proposed Plan) which identified ''No Further Action'' as EPA's preferred remedial alternative for this Site. Issuance of this Proposed Plan marked the beginning of the public comment period. On February 20, 1992, a public meeting was held at the National Fisheries Center to answer questions from community members and facilitate public input on the Proposed Plan. The public comment period closed on March 6, 1992. On April 7, 1992, EPA issued a ROD Amendment which identified No Further Action as the Selected Remedy for the Site.

On April 7, 1992, EPA also issued a Superfund Preliminary Site Closeout Report. This closeout report indicated that all remedial action activities required for protection of human health and the environment had been satisfactorily completed. The ROD Amendment did not provide any provisions for long-term monitoring of the Site because the only portion of the originally selected remedial action which was completed was off-site

disposal. Therefore, no operation and maintenance activities are required.

Although the remedial action was completed in April of 1988, the monitoring wells installed and utilized during the RI had to be properly abandoned prior to deletion of the Site from the NPL. In the spring of 1995, the U.S. Army Corps of Engineers, Baltimore District was tasked under an interagency agreement with EPA to properly abandon all monitoring wells except those which Jefferson County chose to retain for use in monitoring the groundwater in the vicinity of its solid waste landfill. This work was completed in June of 1995. On August 24, 1995, EPA accepted the Corps of Engineers' report entitled ''Closure Report: Abandonment of Monitoring Wells, Leetown Pesticides Superfund Site, Leetown West Virginia'' as a final document.

EPA is required to review remedial actions every five years if hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unrestricted exposure and unlimited use. Since neither of these conditions exists at this Site, further five-year reviews are not warranted and will not be conducted.

C. Conclusion

The NCP at 40 CFR 300.425(e)(ii) provides that EPA may delete a site from the NPL if ''all appropriate Fund-financed response under CERCLA has been implemented, and no further action by responsible parties is appropriate.'' EPA, with the concurrance of the State of West Virginia, believes that this criterion for deletion has been met. Therefore, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available in the Site information repositories listed previously in this document.

Dated: June 4, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, U.S. EPA Region III.

[FR Doc. 96–14911 Filed 6–13–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket 87–10; Notice 8]

Federal Motor Vehicle Safety Standards; Power-Operated Window, Partition, and Roof Panel Systems; Correction

AGENCY: National Highway Traffic Safety Administration; DOT.

ACTION: Correction.

SUMMARY: In Docket 87–10, Notice 6, Notice of Proposed Rulemaking, beginning on page 28124 in the issue of Tuesday, June 4, 1996, make the following correction:

On page 28124 in the second column, 25th line, change the words ''Notice 6'' to ''Notice 7.''

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Atelsek, Office of the Chief Counsel, NCC–20, telephone (202) 366–2992.

Issued: June 10, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–15069 Filed 6–13–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD91

Endangered and Threatened Wildlife and Plants; Proposed Rule To Remove the Plant Echinocereus lloydii (Lloyd's Hedgehog Cactus) from the Federal List of Endangered and Threatened Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) under the authority of the Endangered Species Act of 1973 (Act), as amended, proposes to remove the plant *Echinocereus lloydii* (Lloyd's hedgehog cactus) from the Federal List of Endangered and Threatened Plants. Lloyd's hedgehog cactus was listed as endangered on October 26, 1979, due to threats of collection and highway projects. Recent evidence indicates that Lloyd's hedgehog cactus is not a distinct species but rather a hybrid. Therefore, Lloyd's hedgehog cactus does not qualify for protection under the Act.

DATES: Comments from all interested parties must be received by August 13, 1996. Public hearing requests must be received by July 29, 1996.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Ecological Services Austin Field Office, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Hartland Bank Building, Austin, Texas 78758. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Kathryn Kennedy or Elizabeth Materna, (see ADDRESSES section) (telephone 512/490–0057; facsimile 512/490–0974).

SUPPLEMENTARY INFORMATION:

Background

Echinocereus lloydii (Lloyd's hedgehog cactus), a member of the cactus family, was first collected by F.E. Lloyd in 1922 and was named in his honor by Britton and Rose (1937). The first plants collected by Mr. Lloyd were from near Fort Stockton, Pecos County, Texas (Weniger 1970).

Lloyd's hedgehog cactus is a cylindrical cactus with one to several stems up to about 20 centimeters (cm) (8 inches (in)) long and 10 cm (4 in) in diameter. The flowers vary from lavender to magenta in color, are about 5 cm (2 in) in diameter, and form mature fruits that are green, tinged with pink or orange when ripe (Correll and Johnston 1979, Poole and Riskind 1987).

Lloyd's hedgehog cactus is known from Brewster, Culberson, Pecos, and Presidio Counties in Texas as well as from Eddy County in New Mexico. It has also been reported from the state of Chihuahua in Mexico. Currently fewer than 15 localities are known from the U.S., most occurring on private lands. These cacti occur in the shrub and brush rangeland of the Chihuahuan Desert, and are usually found associated with *Agave lecheguilla* (lechuguilla), *Prosopis glandulosa* (mesquite), *Larrea tridentata* (creosote bush), *Flourensia cernua* (tarbush), *Viguiera stenoloba* (skeleton-leaf goldeneye), and various cacti (*Opuntia* sp., *Echinocereus* sp., *Echinocactus* sp., and *Coryphantha* sp.) (Poole and Riskind 1987).

Lloyd's hedgehog cactus is usually found on limestone with occasional weathered metamorphic rock. The cacti grow on sandy, gravelly, or rocky soils