40 CFR Part 300

[FRL–5711–3]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Cheshire Ground Water Contamination site from the National Priorities List: request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region I announces its intent to delete the Cheshire Ground Water Contamination site 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, as amended by the Superfund Amendments and Reauthorization Act (CERCLA). EPA and the State of Connecticut have determined that all appropriate CERCLA actions have been implemented and that no further clean up at the site is appropriate. Moreover, EPA and the State of Connecticut have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning this site may be submitted on or before April 21, 1997.

ADDRESSES: Comments may be mailed to: Jane Dolan, Remedial Project Manager, U.S. EPA Region I (HBT), JFK Federal Building, Boston, MA 02203.

Comprehensive information on this site is available through the EPA Region I public docket, which is located at EPA's Region I office and is available for viewing by appointment only from Monday through Friday, excluding holidays. Requests for appointment or copies of the contents from the Regional public docket should be directed to the EPA Region I Records Center.

The address for the Region I Records Center is: EPA Records Center, 90 Canal Street, 1st Floor, Boston, MA 02114, (617) 573–5729.

A copy of the Regional public docket is also available for viewing at the Cheshire Ground Water Contamination site information repository at: Cheshire Public Library, 104 Main Street, Cheshire, CT 06410, (203) 272–2245.

FOR FURTHER INFORMATION CONTACT: Jane Dolan, Remedial Project Manager, U.S. EPA Region I (HBT), JFK Federal Building, Boston, MA 02203, (617) 573–9698.

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I. Introduction

The Environmental Protection Agency (EPA) Region I announces its intent to delete the Cheshire Ground Water Contamination Site, Cheshire, Connecticut, from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300 (NCP), and requests comments on this 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. 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 if conditions at the site warrant such action.

The EPA will accept comments concerning this proposal for thirty (30) days after publication of this notice in the **Federal Register**.

Section II of this document 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 site and how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e)(1), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release 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 response action by responsible parties is appropriate; or

(iii) the response action has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Prior to deciding to delete a site from the NPL, EPA must determine that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare, and the environment.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future site conditions warrant such action. 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.

III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL also should be used before sites are deleted. Comments also were received in response to the amendments to the NCP proposed on February 12, 1985 (50 FR 5862). Formal notice and comment procedures for deleting sites from the NPL were subsequently added as a part of the March 8, 1990 amendments to the NCP (55 FR 8666, 8846). Those procedures are set out in § 300.425(e)(4) of the NCP. Deletion of sites 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.

Upon determination that at least one of the criteria described in § 300.425(e)(1) has been met, EPA may formally begin deletion procedures. The following procedures were used for the intended deletion of this site:

(1) EPA Region I and the State of Connecticut agreed, in the No Action Record of Decision, that the five-year review was not warranted.

(2) EPA Region I has recommended deletion and prepared the relevant documents.

(3) The State of Connecticut has concurred with the deletion decision.

(4) 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.

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

These procedures have been completed for the Cheshire Ground Water Contamination site. This **Federal Register** document, and a concurrent

notice in the local newspaper in the vicinity of the site, announces the initiation of a 30-day public comment period and the availability of the Notice of Intent to Delete. The public is asked to comment on EPA's intention to delete the site from the NPL; all critical documents needed to evaluate EPA's decision are included in the information repository and deletion docket.

Upon completion of the 30-day public comment period, the EPA Regional Office (Region I) will evaluate these comments before the final decision to delete. The Region will prepare a Responsiveness Summary , which will address comments received during the public comment period. The responsiveness summary will be made available to the public at the information repository. Members of the public are welcome to contact the EPA Regional Office to obtain a copy of the responsiveness summary, when available. If EPA still determines that deletion from the NPL is appropriate after receiving public comments, a final notice of deletion will be published in the **Federal Register**. However, it is not until a notice of deletion is published in the **Federal Register** that the site would be actually deleted.

IV. Basis for Intended Site Deletions

The following summary provides the Agency's rationale for deleting the Cheshire Ground Water Contamination site from the NPL.

The Cheshire Ground Water Contamination site which is located in the northwestern corner of Cheshire, New Haven County, Connecticut, includes the industrial property at 604 West Johnson Avenue where disposal of waste material was conducted and, in addition, those places where waste material emanating from the property has come to be located in the groundwater. The Site is immediately bounded by vacant land to the east, industrial property to the south, and Knotter Drive and Route 691 to the west and north, respectively.

EPA involvement with the Site commenced in 1985 after the Site was identified through a review of background information for another property in Cheshire. EPA sampled ground water from on-site monitoring wells, subsurface soils, surface water, and sediment on the 604 West Johnson Avenue property, and ground water from two residential drinking water wells in support of a Site Inspection of the property completed in 1986.

Based on this investigation which found groundwater both on- and off-site contaminated with volatile organic compounds, the Site was proposed to the National Priorities List (NPL) in June 1988 and promulgated on August 30, 1990. The Site was defined as a plume of contamination from an unknown source detected in wells on property located at 604 West Johnson Avenue and in a nearby residential well.

The Connecticut Department of Environmental Protection (CTDEP) entered into Consent Agreements with Cheshire Associates, the owner of the property at that time, and North American Philips Corporation, the tenant of the property, in 1984 following the identification of groundwater and soil contamination. The owner of the property agreed to remove contaminated soil, and monitor the water quality at two private water supply wells on a semi-annual basis until 1988. The tenant of the property at the time agreed to test all in ground fuel and/or chemical storage tanks and their associated piping to determine their structural integrity and their ability to prohibit the introduction of the tanks contents to the waters of the state. A 10,000 gallon #4 fuel oil tank was cleaned and determined to be leak free on September 9, 1982. This tank was allegedly filled with concrete slurry around 1985.

Twenty cubic yards of volatile organic- and oil-contaminated soil were excavated from two areas on the property on October 19, 1983. CTDEP approved the disposal of this non-hazardous waste on January 6, 1984. The material was subsequently removed from the property and disposed of on January 25, 1984.

The property owner voluntarily arranged for bottled water to be provided to the remaining residence in 1986 (the other residence was demolished for commercial development) and subsequently connected the home to municipal water in 1987.

EPA completed a geohydrologic study and sampling at the site in 1996. Volatile organic compounds and metals were detected in groundwater at levels below the levels established as safe in the Safe Drinking Water Act. Low levels of pesticides, semi-volatile organic compounds, and metals detected in shallow soils around the northern side of the building were determined not to endanger workers nor the health of residents in a future development of the property. EPA also determined that the low levels of pesticides and copper detected in on-site pond water and sediments would not create a risk to human health or aquatic organisms through exposure to the pond water or sediments. All of the estimated maximum cancer risks associated with exposure to contamination at the site fall within EPA's acceptable risk range. As outlined in the NCP, a cancer risk at a Superfund site is considered acceptable if it ranges between one in ten thousand and one in one million (1×10^{-4} to 1×10^{-6}). (The carcinogenic risk associated with a future potential residential scenario is 4.3×10^{-4}. This risk is attributable to one contaminant, arsenic. The risk attributable to other compounds is at or below the lower end of the acceptable risk range (i.e., 10^{-6}). Although the risk associated with arsenic is at the upper end of the acceptable risk range (i.e., 10^{-4}), the contaminant level is below the level established as safe in the Safe Drinking Water Act.) In addition, the human health risk assessment concluded that non-cancer adverse health effects were not likely at this site. Based on EPA's investigation from 1994 to 1996, it was determined that the existing site conditions are currently protective of public health and the environment and the site meets EPA's deletion criteria.

The Proposed Plan for the Record of Decision was released for the thirty (30) day public comment period on October 10, 1996. The Proposed Plan recommended that as a result of previous removal actions ordered by the State, and EPA's recent investigation of the site, no further remedial action was warranted. Three public comments were submitted on EPA's Proposed Plan. Based upon the favorable community response, it was determined that no change to EPA's Proposed Plan was necessary.

The Record of Decision (ROD) was signed by the Director of the Office of Site Remediation and Restoration on December 31, 1996. The No Action ROD recommendation includes: No further remedial action, and no long-term monitoring or management controls. The five-year review requirements of Section 121© of CERCLA and of § 300.430(f)(4)(ii) of the NCP are not applicable to the Cheshire Ground Water Contamination site because contaminants do not remain in the groundwater, soils, surface water and sediment above levels that would prevent unlimited use and unrestricted exposure to the site. No operation and maintenance will be required at the Cheshire Ground Water Contamination site. EPA, with the concurrence of the State of Connecticut, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Dated: March 7, 1997.

Frank Ciavatieri,

Acting Director, Office of Site Remediation and Restoration.

[FR Doc. 97–7066 Filed 3–20–97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 97–82; FCC 97–60]

Competitive Bidding Procedures

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this *Notice of Proposed Rule Making* (''NPRM''), the Commission proposes changes to its general competitive bidding rules that are intended to simplify regulations and eliminate unnecessary rules wherever possible, increase the efficiency of the competitive bidding process, and provide more specific guidance to auction participants while also giving them more flexibility.

DATES: Comments must be submitted on or before March 27, 1997, and reply comments must be submitted on or before April 16, 1997. Written comments by the public on the proposed and/or modified information collections are due March 27, 1997. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before May 20, 1997.

ADDRESSES: Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington DC 20554, or via the Internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Mark Bollinger, Wireless Telecommunications Bureau, (202) 416–0660. For additional information concerning the information collections contained in this *NPRM*, contact Dorothy Conway at (202) 418–0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's *Notice of Proposed Rule Making* in FCC Number 97–60; WT Docket No. 97–82, adopted on February 20, 1997, and released on February 28, 1997. The complete text of this *NPRM* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037. The complete *NPRM* is also available on the Commission's Internet home page (http://www.fcc.gov/).

The *NPRM* contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public, the Office of Management and Budget (OMB), and other Federal agencies to comment on the information collections contained in this *NPRM*, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. Public and agency comments are due at the same time as other comments on this *NPRM*; OMB notification of action is due 60 days from date of publication of this *NPRM* in the **Federal Register**. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: N/A.

Title: In the Matter of Amendment of Part 1 of the Commission's Rules—Competitive Bidding Proceeding, WT Docket No. 97–82, FCC Docket No. 97–60.

Type of Review: New collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents: 45,000.

Estimated Time for Response: 13 hours.

Total Annual Burden: 585,000 hours.

Estimated Cost to Respondents: 2,848 dollars.

Needs and Uses: The Commission's general competitive bidding rules require applicants for all auctionable services to submit: (1) Ownership information, (2) terms of joint bidding agreements, (3) gross revenue calculations, and (4) evidence of environmental impact. Furthermore, in case a licensee defaults or loses its license, the Commission retains the discretion to re-auction such licenses. If licenses are re-auctioned, the new license winners would be required at the close of the re-auction to comply with the same disclosure requirements explained above.

The information collected will be used by the Commission to determine whether the applicant is legally, technically, and financially qualified to bid in the spectrum auctions and hold a license for spectrum based services. Without such information the Commission could not determine whether to issue the license to the successful applicant and therefore fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended.

Synopsis of Notice of Proposed Rule Making

1. The Commission seeks comment on a variety of proposals and tentative conclusions set forth below. In addition, it seeks comment on whether competitive bidding provisions that have been adopted in specific services but not included in the part 1 rules should be included in part 1 and, if so, whether any amendments to these provisions are needed in light of the proposal, discussed below, to apply these general competitive bidding rules to future auctions.

2. As the Commission has gained experience in conducting auctions, it has found that much of the auction process can be standardized and that conducting rule makings for each individual service slows down the delivery of service to the public because it may result in regulatory delays before the licensing process begins. Thus, the Commission propose that, to the extent possible, all future auctions be governed by the general competitive bidding rules adopted in this proceeding. It envisions that only a limited number of competitive bidding regulations would need to be adopted on a service-specific basis. The Commission seeks comment on whether the rules adopted in this proceeding should supersede all existing, service-specific competitive bidding rules for future auctions. It proposes that this action would affect all services that are subject to pending proceedings and any services that have existing competitive bidding rules that might apply to licenses that have not yet been auctioned or that must be reauctioned. The Commission seeks comment on whether, alternatively, it should phase in the applicability of the revised general competitive bidding rules at a future date, such that, at a