is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 28, 1997. Filing a petition for reconsideration by the Regional Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve a NO_X RACT determination for a one individual source in Pennsylvania as a revision to the Commonwealth—s SIP may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 16, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c) (128) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(128) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to NO_X RACT, submitted on September 13, 1996 and January 21, 1997 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection).

(i) Incorporation by reference.

(A) Two letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific NO_X RACT determinations in the form of an operating permit on the following dates: September 13, 1996 and January 21, 1997.

(B) *Operating permit (OP).* Panther Creek Energy Facility, Carbon County, OP # 13–0003, effective date of December 2, 1996, except for condition # 7 pertaining to particulate, PM–10, SO2, CO and VOC emission limits, condition # 10 pertaining to particulate emissions, condition # 11 pertaining to opacity, condition # 12 pertaining to the Standards of Performance for New Stationary Sources and the expiration date.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's September 13, 1996 and January 21, 1997 submittals.

[FR Doc. 97–25755 Filed 9–26–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5898–7]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion, Bayou Sorrel superfund site.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Bayou Sorrel Superfund Site, located in Bayou Sorrel, Iberville Parish, Louisiana, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This action is being taken by EPA and the State of Louisiana because it has been determined that all appropriate response actions have been implemented and remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: September 29, 1997.

ADDRESSES: Comprehensive information on the Site is available through the public docket which is available for viewing at the Bayou Sorrel Superfund Site information repositories at the following locations: U.S. EPA Region 6 Library (12th Floor), 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–6424 / 665–6427; Louisiana Department of Environmental Quality, 7290 Bluebonnet Road, Baton Rouge, Louisiana 70809, (504) 765–0487; Police Jury of Iberville Parish, 510 Meriam, Plaquemine, LA 70765, (504) 687–5190; Iberville Parish Library, 1501 J. Gerald Berret Blvd., Plaquemine, LA 70765, (504) 687–2520.

FOR FURTHER INFORMATION CONTACT: Stephen L. Tzhone, Remedial Project Manager (6SF-LP), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8409.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Bayou Sorrel Superfund Site, Bayou Sorrel, Iberville Parish, Louisiana. A Notice of Intent to Delete for this site was published on June 4, 1997 (62 FR 30554). The closing date for comments on the Notice of Intent to Delete was July 3, 1997. EPA received comments during and after the public comment period. All accepted comments, including those received after the comment period, and the responses by EPA have been included in the Responsiveness Summary (Appendix 1).

EPA identifies sites that appear to present significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those

sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future; § 300.425(2)(3) of the NCP. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous Waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water Pollution control, Water supply.

Dated: September 18, 1997.

Myron O. Knudson,

Acting Regional Administrator, U.S. EPA Region 6.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

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.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site ''Bayou Sorrel Site, Bayou Sorrel, Louisiana.''

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix 1—Responsiveness Summary, Bayou Sorrel Superfund Site, Bayou Sorrel, Iberville Parish, Louisiana

The Responsiveness Summary has been prepared to provide written responses to comments submitted regarding the Notice of Intent to Delete (62 FR 30554) for the Bayou Sorrel Superfund Site. All accepted comments are presented in the original, submitted format to the extent possible, with similar comments combined.

1. I support the decision to delete the Bayou Sorrel Superfund Site from the NPL.

EPA appreciates all public support and input for its decisions. The concerns of the community are a top priority in finalizing any actions taken by the agency. The decision to delete the Bayou Sorrel Superfund Site from the National Priorities List was only considered after all remedial activities have been completed and concurrence given by the State of Louisiana.

2. The people of the Bayou Sorrel area were not made aware of the pollution in the waterways, fish, crawfish, and wildlife. The Bayou Sorrel area residents were never informed of the dangers caused by the migration of toxic wastes from the Bayou Sorrel Superfund Site.

EPA has attempted in every possible way to share information on the Bayou Sorrel Superfund Site with area residents and communities. A Community Relations Plan (June 1984, revised July 1990) was developed with the help of area residents and many factsheets have been mailed out to interested citizens, congressional representatives, and the media. A public meeting was also held in January 1986 to discuss the cleanup remedy for the Bayou Sorrel Superfund Site. Supporting documentation concerning EPA action at the Bayou Sorrel Superfund Site can be found at the Iberville Parish Library, where a repository has been set up for the public.

3. ERM Southwest, Inc. discovered the pollution in 1984. We are not being advised of the results of monitor wells overseen by ERM Southwest, Inc., or the Louisiana Department of Environmental Quality.

ERM Southwest, Inc. is a company contracted out by the Bayou Sorrel Steering Committee for technical activities concerning the Bayou Sorrel Superfund Site. Sampling results from the monitoring wells are reviewed by both EPA and the State of Louisiana. These results currently do not suggest significant risk to public health or the environment. Data and results are available for public review at the information repositories.

4. On February 1994, President Clinton directed federal agencies to make sure minorities and the poor aren't disproportionately exposed to pollution and other environmental dangers. We feel that an environmental injustice is being done to our communities. We would welcome an investigation of these injustices in the very near future. Our civil rights are being violated.

EPA is very interested in any environmental justice issues concerning unfair biases of pollution exposure toward minorities and the poor. At the Bayou Sorrel Superfund Site, EPA has taken civil actions against responsible parties and implemented site remedial activities with cooperation from the responsible parties. However, if further actions pertaining to environmental justice are warranted, the Environmental Justice National Hotline at 1–800–962–6215, is available for the community to request an investigation into this matter.

5. The cap and slurry walls are not adequate to protect the environment. The clay can crack and leak, and the slurry walls can do the same. The leaking wastes will contaminate the crawfish, fish, rabbits and other animals/biota in the area that people consume for food (not just in the area, but all over the country). The clay can't be trusted to contain the wastes.

The integrity of the cap, slurry walls, and the underlying clay geology ensures that no leakage of the contained wastes can occur. Data collected from the continued monitoring of groundwater demonstrate that no significant risk to public health or the environment is posed by the hazardous materials remaining within the cap. The Bayou Sorrel Superfund Site is currently under an Operations & Maintenance plan which calls for water sampling from the monitoring wells and engineer inspections of the cap and site. Based on results from all these activities to date, and the public health consultation by the Agency for Toxic Substances and Disease Registry, EPA verifies the implemented site remedy is protective of human health and the environment.

6. Water wells aren't being tested—how do we know that chemicals from the site aren't leaching into residents' drinking water?

Data from the monitoring wells surrounding the capped areas would immediately reveal if structural integrity had been breached and wastes were leaching out. The sampling results from these monitoring wells have indicated that the cap and slurry walls are operational as planned. Also, in August 1993, the Louisiana Office of Public Health conducted a private well survey in the Bayou Sorrel vicinity to determine if shallow groundwater in the area had been contaminated. Most of the private wells that were used near the site in the early 1980's have been abandoned and are no longer in use except for one private well located in the town of Bayou Sorrel on Bayou Sorrel Road. A water sample from this well was analyzed for volatile organic compounds and metals including arsenic. No volatile organic compounds or metals were detected in the private well water. Municipal water for the town of Bayou Sorrel is supplied by the Iberville Parish Waterworks #3 which draws water out of the Intracoastal Waterway near the confluence with the Upper Grand River near Jack Miller's Landing. This new water system has been inspected and surveyed during the first year of operation and meets all Federal regulations for primary drinking

water standards. Additional information can be found in the Health Consultation by the Agency for Toxic Substances and Disease Registry, dated May 8, 1995.

7. No one has ever followed up ''on anything'' at the site—only one rabbit and one fish were tested during the cleanup. How do we know that animals and fish aren't still being contaminated? Is animal/biota testing still taking place?

Seventy-five fish samples were taken in the area near the site and analyzed for polychlorinated biphenyls, pesticides, volatile organic compounds, and metals, including arsenic, mercury, and thallium. The samples were collected by the Louisiana Department of Environmental Quality and Louisiana Office of Public Health in June and July of 1993. No elevated levels of polychlorinated biphenyls and pesticides were detected in the fish. No volatile organic compounds were detected in the fish, either. Additional information can be found in the Health Consultation by the Agency for Toxic Substances and Disease Registry, dated May 8, 1995.

8. Pesticides and PCBs have been detected in channel catfish, crappie bass, * * *. Everybody in this area are consumers of the fish, crawfish, and wild game obtained in these waterways and woods. A fishing and hunting ban should be established in the area of the site.

EPA is unaware of the alleged pesticide and polychlorinated biphenyls detections in the fish. Sampling results and data collected from supporting state agencies and EPA indicate otherwise. In addition, EPA does not establish hunting and fishing bans. Those actions are taken by state and local health agencies.

9. The site should be fenced and clearly marked as a hazard—establish institutional controls.

Installation of fences around all capped areas to restrict access has been in place since the remedial construction activities were completed. The fences are inspected and maintained as part of the ongoing Operations & Maintenance site activities. Institutional controls such as deed restrictions were established along with posting of warning signs on all fenced areas. The gravel roads around the fenced areas allow for continued recreational use of adjacent lands and the borrow lake while diverting traffic around and away from the capped areas.

10. The site is adding to the overall pollution of the area—such as the ''illegal'' injection well in Bayou Sorrel. The permit for that well should have never been renewed—that well is ''illegal.''

The permits for injection wells in Louisiana are given by the Louisiana Department of Natural Resources and checked for federal regulations compliance by EPA. The permitted, legal injection well within Bayou Sorrel currently meets all federal standards and has satisfactorily passed state inspections.

11. The community unanimously objected to the cap/containment remedy for this site, but EPA, the State and the industries that polluted the site went ahead and did what they wanted to anyway. Has the public ever ''gotten their wishes'' when it comes to Superfund cleanups or permits? Or can someone high up in EPA tell them that the ''fix is already in'' so we can stop wasting our time commenting on things that have already been decided?

EPA encourages the community to participate at all points during the Superfund process. EPA invited the community to participate in selecting the remedy for the Bayou Sorrel Superfund Site during the Record of Decision phase in 1986. At that time, the community raised a number of questions and concerns regarding remediation of the site. These comments can be found in the Record of Decision dated November 14, 1986. As a result of the community's input and other considerations, the cap/containment remedy for the Bayou Sorrel Superfund Site was selected as the best alternative after evaluating performance, reliability, engineering implementability, public health and welfare, environmental impacts, institutional factors, and costs.

EPA solicited and reviewed comments regarding its intent to delete the Bayou Sorrel Superfund Site from the National Priorities List. The decision to delete any Superfund site from the National Priorities List is not final until EPA has extended an opportunity to the public to comment on the proposed action. At this time, EPA has decided to move forward with its decision to delete the Bayou Sorrel Superfund Site from the National Priorities List, but only after careful consideration and response to all public comments. EPA has also established a Superfund Ombudsman position to address any concerns from the public on the Superfund process. Please feel free to contact the EPA Region 6 Superfund Ombudsman at 1–800–533–3508, to share any concerns which were not resolved to your satisfaction.

[FR Doc. 97–25653 Filed 9–26–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–102; RM–8969]

Radio Broadcasting Services; Slidell and Kenner, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Phase II Broadcasting, reallots Channel 287C1 from Slidell to Kenner, Louisiana, and modifies Station WLTS-FM's license to specify Kenner as its community of license. *See* 62 FR 15869, April 3, 1997. Channel 287C1 can be allotted to Kenner in compliance with the Commission's minimum distance separation requirements at the site specified in Station WLTS-FM's license. The coordinates for Channel 287C1 at Kenner are 29–58–57 NL and 89–57–09 WL. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 3, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–102, adopted September 10, 1997, and released September 19, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Slidell, Channel 287C1 and adding Kenner, Channel 287C1.