

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) 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 this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Conformity, Hydrocarbons, Nitrogen dioxide, Ozone.

Dated: January 14, 1998.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

In rule FR Doc. 97-30376, published on November 19, 1997 (62 FR 61633), make the following correction:

1. On page 61634, in the third column, the amendatory instruction is corrected to read as follows:
2. Section 52.996 is added to read as follows:
2. In the text, the section number is changed from 52.994 to 52.996.

[FR Doc. 98-2087 Filed 1-28-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5954-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of partial deletion of the Prewitt Abandoned Refinery Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA) Region 6 announces the deletion of the surface portion of the Prewitt Abandoned Refinery Superfund Site (the Site) 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, 42

U.S.C. 9605, is codified at Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. This partial deletion is consistent with the EPA's Notice of Policy Change: Policy Regarding Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466 (November 1, 1995). This partial deletion pertains to the surface portion, which includes all surface soils, and also includes the former separator area. This partial deletion does not pertain to the subsurface portion of the Site including without limitation ground water and subsurface soils. The subsurface portion of the Site will remain on the NPL, and response activities will continue at that portion. With the concurrence of the State of New Mexico through the New Mexico Environment Department (NMED), and with the concurrence of the Navajo Nation through the Navajo Nation Superfund Office (NSO), the EPA has determined that responsible parties have implemented all appropriate response actions required at the surface portion of the Site (neither the CERCLA-required five-year reviews, nor operation and maintenance of the constructed remedy is considered further response action for these purposes), that all appropriate Hazardous Substance Response Trust Fund (Fund) financed response actions under CERCLA have been implemented at the surface portion of the Site, and that no further response action by responsible parties is appropriate for the surface portion of the Site. Moreover, the EPA, with State of New Mexico concurrence through the NMED, and with Navajo Nation concurrence through the NSO, has determined that Site investigations show that the surface portion of the Site now poses no significant threat to public health or the environment; consequently, pursuant to CERCLA section 105, and 40 CFR 300.425(e), the surface portion of the Site is hereby deleted from the NPL.

EFFECTIVE DATE: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Greg J. Lyssy, Remedial Project Manager, (214) 665-8317, United States Environmental Protection Agency, Region 6, Mail Code: 6SF-LT, 1445 Ross Avenue, Dallas, Texas 75202.

Information on the Site is available at the local information repository located at: Prewitt Fire House, PO Box 472, Prewitt, New Mexico 87045, (505) 876-4068. Requests for comprehensive copies of documents should be directed formally to the Regional Superfund Management Branch, care of Steve Wyman, (214) 665-2792, EPA Region 6,

Mail Code: 6SF-PO, 1445 Ross Avenue, Dallas, Texas 75202.

SUPPLEMENTARY INFORMATION: The site to be partially deleted from the NPL is the Prewitt Abandoned Refinery Superfund Site located near the town of Prewitt, in McKinley County, New Mexico. This partial deletion pertains to the surface portion of the Site, which consists of all surface soils and the former separator area. This partial deletion does not pertain to the subsurface portion of the Site including without limitation ground water and subsurface soils. This Partial Deletion is in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60 FR 55466 (Nov. 1, 1995). A Notice of Intent for Partial Deletion was published on October 6, 1997 (62 FR 52074). The closing date for comments on the Notice of Intent for Partial Deletion was November 5, 1997. The EPA received two comment letters, both of which supported the partial deletion.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Section 300.425(e)(3) of the NCP, 40 CFR 300.425(e)(3), states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

Lists of Subjects in 40 CFR Part 300

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

Dated: January 8, 1998.

Lynda F. Carroll,

Acting Regional Administrator (6RA), 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.

2. Table 1 of Appendix B to part 300 is amended by revising the entry for "Prewitt Abandoned Refinery" by

adding a note "P" so that it reads as follows:

Appendix B—[Amended]

Appendix B—[Amended]

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site Name	City/county	Notes ^(a)
NM	Prewitt Abandoned Refinery	Prewitt	P
*	*	*	*
*	*	*	*

P=Sites with partial deletion(s).

[FR Doc. 98-1915 Filed 1-28-98; 8:45 am]
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No.95-74; RM-8579, RM-8690]

Radio Broadcasting Services; Benavides, Bruni, and Rio Grande City, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission denies a petition for rule making filed by Benavides Communications requesting the reallocation of Channel 299C2 from Benavides to Bruni, Texas; the allotment of Channel 254A at Benavides; and the modification of Station KXTM-FM's authorization to specify Bruni as its community of license. See 60 FR 29817, June 6, 1995. The proposed reallocation was denied because granting Sound Investments' counterproposal would provide first and second aural reception service to a greater number of people. In

response to a counterproposal filed by Sound Investments unlimited, Inc. (RM-8690), the Commission substitutes Channel 298C2 for Channel 276A at Rio Grande City, Texas, and modifies Station KCTM-FM's license in accordance with Section 1.420(g) of the Commission's Rules. Channel 298C2 can be allotted to Rio Grande City in compliance with the Commission's minimum distance separation requirements at coordinates 26-22-42 NL and 98-48-48 WL. Mexican concurrence has been obtained for this allotment as a specially negotiated short-spaced, limited allotment since Rio Grande City is located within 320 kilometers (200 miles) of the U.S.-Mexican border. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 9, 1998.

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. 95-74, adopted January 14, 1998, and released January 23, 1998. 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 Texas, is amended by removing Channel 276A and adding Channel 298C2 at Rio Grande City.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-2194 Filed 1-28-98; 8:45 am]

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