

## Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

## Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is included in the docket.

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

## Proposed Regulations

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

### PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary § 165.T01-026, is added to read as follows:

#### § 165.T01-026 Safety Zone; Brick Founder's Day Fireworks, Metedeconk River, Brick, New Jersey.

(a) *Location.* All waters of the Metedeconk River within a 300 yard radius of the fireworks platform located on a pier in the approximate position 40°03'25" N latitude 074°06'47" W longitude at Windward Beach, Brick, New Jersey.

(b) *Effective period.* This safety zone is in effect on June 3, 1995, from 8 p.m. until 10:30 p.m., unless extended or terminated sooner by the Captain of the Port New York.

#### (c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: March 17, 1995.

**J. Rutkovsky,**

*Commander, U.S. Coast Guard, Captain of the Port, New York, Acting.*

[FR Doc. 95-7369 Filed 3-24-95; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF EDUCATION

### 34 CFR Chapter VI

#### Borrower Defenses Regulations Negotiated Rulemaking Advisory Committee; Meeting

**AGENCY:** Borrower Defenses Regulations Negotiated Rulemaking Advisory Committee, Department of Education.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and agenda of a forthcoming meeting of the Borrower Defenses Regulations Negotiated Rulemaking Advisory Committee (Committee). This notice also describes the functions of the Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

**DATES:** April 25 and 26, 1995 from 9 a.m. to 5 p.m.

**ADDRESSES:** The Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877, (301) 977-8900.

**FOR FURTHER INFORMATION CONTACT:** Nicki Meoli, Program Specialist, Policy Development Division, Office of Postsecondary Education, U.S. Department of Education, Room 3053, ROB-3, 600 Independence Avenue, SW, Washington, DC 20202-5400. Telephone: (202) 708-9406. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The Borrower Defenses Regulations Negotiated Rulemaking Advisory Committee is authorized by sections 432, 457, and 464 of the Higher Education Act of 1965, as amended. The Committee is also established in accordance with the provisions of the Negotiated Rulemaking Act. The Committee will negotiate regulations on borrower defenses, that is, which acts or omissions of an institution of higher education a borrower may assert as a defense to repayment of a loan made under the William D. Ford Federal Direct Loan (Direct Loan) Program, the Federal Family Education Loan (FFEL)

Program, and the Federal Perkins Loan (Perkins) Program and the consequences of such defenses for the institution, the Secretary, and, for FFEL Program loans, for the lender and the guaranty agency. The Committee may also negotiate issues regarding whether administrative procedures should be established to adjudicate whether a borrower has a valid defense and the effect the adjudication would have on the rights and liabilities of institutions, lenders, guaranty agencies, and the Secretary.

The meeting of the Committee is open to the public.

The proposed agenda includes:

- (1) Welcoming remarks.
- (2) Introduction of facilitator and participants.
- (3) Discussion of procedural ground rules.
- (4) General discussion of participants' perspectives on substantive issues.
- (5) Development of issue agendas or drafts for subsequent meetings.

Records are kept of all Committee proceedings and are available for public inspection in Room 3053, ROB-3, 7th and D Streets, SW, Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Dated: March 20, 1995.

**David A. Longanecker,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 95-7389 Filed 3-24-95; 8:45 am]

BILLING CODE 4000-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-5178-3]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete United States Army Fort Lewis Landfill No. 5 from the National Priorities List: Request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the United States Army Fort Lewis Landfill No. 5 Site from the National Priorities List (NPL) and requests public comment on this proposed 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 (CERCLA) of 1980, as amended. EPA and the State of Washington Department of Ecology (Ecology) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

**DATES:** Comments concerning this Site may be submitted on or before April 26, 1995.

**ADDRESSES:** Comments may be mailed to: Mary Jane Nearman, Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: HW-124, Seattle, Washington 98101.

Comprehensive information on this Site is available through the public docket which is available for viewing at the Fort Lewis Landfill No. 5 site information repositories at the following locations:

Tillicum Library, 14916 Washington Avenue SW., Tacoma, WA 98498.

Lakewood Library, 6300 Wildaire Road, Tacoma, WA 98499.

Fort Lewis Environmental and Natural Resources Division, Attn: Paula Wofford, Fort Lewis WA 98433-5000.

**FOR FURTHER INFORMATION CONTACT:** Mary Jane Nearman, U.S. EPA Region 10, 1200 Sixth Avenue, Mail Stop: HW-124, Seattle, Washington 98101, (206) 553-6642.

**SUPPLEMENTARY INFORMATION:**

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- IV. Basis of Intended Site Deletion.

**I. Introduction**

The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the United States Army Fort Lewis Landfill No. 5 Site at the Fort Lewis Military Reservation, Washington 98433-5000 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 deletion. EPA identifies sites that appear to present a significant risk to human health or the environment and maintains the NPL as a list of these sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA will accept comments on the proposal to delete this Site for thirty

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 Fort Lewis Landfill No. 5 Site and explains how the Site meets the deletion criteria.

**II. NPL Deletion Criteria**

Section 300.425(e) of the NCP provides that releases 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 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.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site *above* levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of this Site, the selected remedy is protective of human health and the environment. Consistent with Section XIX of the Fort Lewis Federal Facility Agreement, the Department of the Army will conduct a five-year review of this final remedy. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

**III. Deletion Procedures**

The following procedures were used for the intended deletion of this Site: (1) EPA Region 10 and the United States Army issued a Record of Decision which documented that no further remedial action is necessary at Fort Lewis Landfill No. 5 to ensure protection of human health and the environment; (2) Ecology concurred with the proposed deletion decision; (3)

A notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and, (4) All relevant documents have been made available for public review in the local Site information repositories.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management. As mentioned in Section II of this Notice, § 300.425(e)(3) of the NCP states that deletion of a site from the NPL does not preclude eligibility for future response actions.

For deletion of this Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received.

A deletion occurs when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office.

**IV. Basis for Intended Site Deletion**

The following site summary provides the Agency's rationale for the proposal to delete this Site from the NPL.

**A. Site Background**

The Fort Lewis Landfill No. 5 NPL site is a 60-acre landfill located adjacent to the Dupont-Steilacoom Highway on the west side of the Fort Lewis Military Reservation in Pierce County, Washington. It is approximately 1.5 miles north of Dupont and 3.5 miles south of Steilacoom.

**B. History**

The Fort Lewis Landfill No. 5 NPL site operated from 1967 through July 1990. It accepted mixed municipal solid waste (industrial, commercial, and residential) and demolition waste (concrete, asphalt, wood, steel and other building debris) from the Fort Lewis Military Reservation, VA Medical Center, and McChord Air Force Base.

As a result of iron and manganese contamination found in nearby groundwater, Landfill No. 5 was added to the NPL in 1987. In 1988, the Army, with oversight provided by EPA and the State of Washington Department of Ecology, began a Remedial Investigation

(RI) to characterize the nature and extent of contamination and to assess potential risks to human health and the environment.

Based on the results of the RI and risk assessment, a Record of Decision (ROD) for the Site was signed on July 24, 1992. The ROD documented the decision that no further remedial action was necessary at Fort Lewis Landfill No. 5 because the conditions at the site pose no unacceptable risks to human health or the environment. The Army will continue to implement the operating and closure requirements of Landfill No. 5 under a permit administered by the Tacoma-Pierce County Health Department. The closure complies with State Minimum Functional Standards for Solid Waste Handling, pursuant to Washington Administrative Code (WAC) 173304.

### C. Characterization of Risk

The RI included an investigation of the surface water, sediments, air, and groundwater in the vicinity of the landfill. The investigation included a wide range of analyses to detect volatile organic compounds, base/neutral and acid extractable compounds, pesticides, and polychlorinated biphenyls, and inorganic compounds (including metals). Concentrations found were below state and federal regulatory levels and risks for both current and future use were within acceptable levels as defined by the NCP.

The results of the ecological risk assessment indicate that Landfill No. 5 does not pose a threat to ecological receptors or habitats. No endangered or sensitive resident species or critical habitats were identified in the study area.

Confirmational monitoring of groundwater demonstrate that no significant risk to public health or the environment is posed by residual materials remaining at the Site. EPA and Ecology believe that conditions at the site pose no unacceptable risks to human health or the environment.

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 of Ecology, believes that this criterion for deletion has been met. Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the docket.

Dated: March 17, 1995.

**Chuck Clarke,**

*Regional Administrator, Region 10.*

[FR Doc. 95-7495 Filed 3-24-95; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Chapter I

#### Notice of Advisory Committee Establishment; Notice of Advisory Committee Meetings

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of meetings.

**SUMMARY:** The Federal Communications Commission (FCC) has established the Hearing Aid Compatibility Negotiated Rulemaking Committee (Committee), as part of proceeding the FCC's CC Docket No. 87-124. The FCC understands that approval by the Office of Management and Budget of the establishment of this ad-hoc Committee is imminent.

The Committee will provide recommendations to the Federal Communications Commission (FCC) to be used in the formulation of requirements for hearing aid compatible telephones in work places, hospitals, certain other health care facilities, prisons, hotels and motels. Included among the recommendations will be one on whether to lift the suspension of enforcement of Sections 68.112(b) (1), (3), and (5) of the Commission's Rules. 47 CFR §§ 68.112(b)(1), (3), (5). Those sections require that all telephones in all work places, hospitals, certain other health care facilities, prisons, hotels and motels be hearing aid compatible by May 1, 1993 for establishments with 20 or more employees and by May 1, 1994 for establishments with fewer than 20 employees. The scope of the activity of the Committee will include all steps necessary to assemble data, perform analyses, and provide advice to the FCC concerning all of the issues required to address the regulation of telephones which need to be hearing aid compatible, as discussed in the Commission's public notice of November 7, 1994, FCC 94-280. The establishment of this Committee is necessary and in the public interest.

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, this notice also advises interested persons of the initial and proposed subsequent meetings of the Committee.

**DATES:**

April 13, 1995, 9:30 a.m. edt

April 20, 1995, 9:30 a.m. edt  
April 27, 1995, 9:30 a.m. edt  
May 11, 1995, 9:30 a.m. edt  
May 18, 1995, 9:30 a.m. edt  
May 25, 1995, 9:30 a.m. edt  
May 30, 1995, 9:30 a.m. edt  
June 13, 1995, 9:30 a.m. edt.

**ADDRESSES:** For the meetings of April 13, April 27, and May 18 and May 25, Federal Communications Commission, 1919 M Street NW., Room 856, Washington, DC 20554; for the meetings of April 20, May 11, May 30, and June 13, International Bureau, FCC, Eighth Floor, 2000 M Street NW., Washington, DC 20554; or as otherwise announced at the meetings.

**FOR FURTHER INFORMATION CONTACT:** Greg Lipscomb, Designated Federal Official of the Hearing Aid Compatibility Negotiated Rulemaking Committee, Domestic Services Branch, Domestic Facilities Division, Common Carrier Bureau, Federal Communications Commission, Mail Stop 1600B2, 2025 M Street NW., Suite 6008, Washington, D.C. 20054; Voice (202) 634-4216; TTY (202) 632-0484; Fax (202) 634-6625; Internet address: [glipscom@fcc.gov](mailto:glipscom@fcc.gov)

**SUPPLEMENTARY INFORMATION:** The Committee was established by the Federal Communications to bring together significantly affected entities to discuss and to recommend approaches to developing recommendations to the FCC for requirements for hearing aid compatible (HAC) telephones in work places, hospitals, certain other health care facilities, prisons, hotels and motels. The FCC has solicited nominations for membership on the Committee pursuant to the Negotiated Rulemaking Act of 1990, Public Law 101-648, November 28, 1990, and will select members which are significantly affected by the proposed rules. See Public Notice in CC Docket No. 87-124, FCC 94-280, 59 FR 60343, November 23, 1994.

Members of the general public may attend the meeting. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. The public may submit written comments to the Committee. The comments must be submitted two business days before the meeting in which the commenter desires his/her comments to be distributed. In addition, comments at the meeting by parties or entities not represented on the Committee will be permitted to the extent time permits. Comments will be limited to five minutes in length by any one party or entity, and request to make such comments to the Committee in person must be received two business