Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 28, 1995.

James F. Fulton,

Acting Regional Director, Western Regional Coordinating Center.

[FR Doc. 95–16544 Filed 7–5–95; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5254–1]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent to Delete Brown Wood Preserving Site from the National Priorities List; request for comments.

SUMMARY: The U.S. Environmental Protection Agency (EPA), announces its intent to delete the Brown Wood Preserving Superfund Site (Site) in Live Oak, Suwannee County, Florida, from the National Priorities List (NPL) and requests public comment on this action. The NPL is codified as Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). EPA and the State of Florida (State) have determined that all appropriate responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State have determined that the remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments on the Notice of Intent to Delete the Site from the NPL should be submitted on or before August 7, 1995.

ADDRESSES: Comments may be mailed to: Joe Franzmathes, Director, Waste Management Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Comprehensive information on this Site is maintained in the public docket, which is available for viewing at the information repositories in two locations. Requests for appointments or copies of the background information from the public docket should be directed to:

Ms. Debbie Jourdan, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Phone: (404) 347–3555, ext. 6217, Hours: 8:00 a.m. to 4:00 p.m., Monday through Friday—By Appointment Only.

Suwannee River Regional Library, 207 Pine Street, Live Oak, Florida 32060, Phone: (904) 362–2317, Hours: 8:30 a.m. to 8:00 p.m., Monday and Thursday; 8:30 a.m. to 5:30 p.m., Tuesday, Wednesday, and Friday; 8:30 a.m.–4:00 p.m., Saturday.

FOR FURTHER INFORMATION CONTACT: Randall Chaffins, U.S. Environmental Protection Agency, Region IV, Waste Management Division, South Superfund Remedial Branch, 345 Courtland Street, N.E. Atlanta, GA 30365, (404) 347–2643 ext. 6260.

SUPPLEMENTARY INFORMATION:

Table of Contents

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

I. Introduction

EPA announces its intent to delete the Site from the NPL, which constitutes Appendix B of the NCP, 40 CFR Part 300, and requests comments on this proposed deletion. 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 Substances Superfund Response Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions in the event that conditions at the site warrant such action.

EPA will accept comments concerning this Site for thirty (30) 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 procedures that EPA is using for this action. Section IV discusses how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with the State, considers whether any of the following criteria have been met:

(i) Responsible or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed response under CERCLA has been implemented and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has determined that the release poses no significant threat to public health or the environment; and, therefore, taking of remedial measures is not appropriate.

III. Deletion Procedures

EPA will accept and evaluate public comments before making a final decision to delete the Site. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this Site:

(1) EPA has recommended deletion and has prepared the relevant documents.

(2) The State of Florida has concurred with the deletion decision.

(3) Concurrent with this Notice of Intent to Delete, a notice has been published in a local newspaper and has been distributed to appropriate Federal, State, and local officials, and other interested parties.

(4) EPA has made all relevant documents available at the information repositories.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designated primarily for information purposes and to assist EPA management. As mentioned in Section II of this Notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

The comments received during the public comment period will be evaluated before the final decision to delete the Site. EPA will prepare a Responsiveness Summary, if necessary, which will address the comments received during the public comment period.

A deletion occurs when the Regional Administrator of EPA places a Notice of Deletion in the **Federal Register**. Any deletions from the NPL will be reflected

in the next NPL update. Public notices and copies of the Responsiveness Summary will be made available to local residents by EPA.

IV. Basis for Intended Site Deletion

The following Site summary provides the Agency's rationale for the intended deletion of this Site from the NPL.

The Site is located at the intersection of Sawmill Road and Goldkist Road, approximately two (2) miles west of the City of Live Oak, Suwannee County, Florida. The 51 acre Site is situated in the northwest quarter of Section 22, Township 2 South, Range 13 East. The topography on-site varies in elevation from 85 feet above mean sea level to 111 feet above mean sea level. The area surrounding the Site is considered rural and light agricultural. A sawmill and a construction company are located to the west and east of the Site, respectively. The county airport is also located west of the site. Domestic water in the vicinity of the Site is produced by means of wells into the Floridan Aquifer, the closest private well is approximately 1000 feet downgradient, to the south.

Currently, the Site consists of a land treatment area enclosed by a six foot high chain-link fence topped with barbed wire, a lagoon area to the southwest, and a grassed eastern section. The land treatment area consists of an office, a four-acre clay lined and bermed treatment area which has been seeded with native grasses, and a 750,000 gallon capacity retention pond.

The Site was proposed for the NPL in 1982. Two potentially responsible parties (PRPs), the James Graham Brown Foundation and AMAX Environmental Services, presently the Cyprus AMAX Minerals Company, signed an Administrative Order on Consent (AOC) with EPA in September 1983 to conduct a Remedial Investigation/Feasibility Study (RI/FS). From December 1987 through March 1988, while the RI/FS was underway, AMAX/Brown removed the contents of the sludge lagoon during the winter dry season and dismantled the plant facility. EPA approved of AMAX/Brown's proposed activities and began negotiating a Consent Order while the removal proceeded. The Consent Order was completed in January 1988, and the removal activities were completed in March 1988.

The removal activities consisted of the following: removal of approximately 15,000 tons of creosote sediments/sludge; treatment of 200,000 gallons of lagoon water; and the dismantling, decontamination, and disposal of the entire plant facility. The creosote sediments/sludge, which came primarily from the lagoon area, were shipped to the hazardous waste landfill in Emelle, Alabama. The removal cleanup criteria for the contaminated soils was 5,000 mg/kg total creosote substances.

Residents near the Site are generally aware that the Site was a wood treating facility sometime in the past and that it is a hazardous waste site. The administrative record was placed in the information repository in Live Oak, Florida on September 29, 1987. A notice regarding the administrative record and a future public meeting was placed in the local newspaper on October 1, 1987. The public comment period began on November 25, 1987 and ended on December 16, 1987. The public meeting on the RI/FS results and the presentation of the selected remedy took place on December 9, 1987 in Live Oak, Florida. The public meeting was attended by very few local citizens. EPA received no comments from the public on the proposed selected remedy or on any other facet of the project. However, reports from the Florida Department of Environmental Protection's (FDEP's) local liaison and from a local newspaper reporter indicated that the community is pleased that EPA, FDEP and AMAX/Brown moved so rapidly to cleanup the Site.

The Record of Decision (ROD), signed on April 18, 1988, determined cleanup at the Site was needed and determined the selected remedy of sludge treatment and land treatment would adequately protect public health, welfare, and the environment.

During the preparation of the Remedial Design/Remedial Action (RD/RA) Work Plan and the filing of the Consent Decree, a fact sheet and a press release were distributed to the public. The RD/RA Work Plan for the land treatment area was approved September 15, 1988.

The Remedial Action (RA) construction of the land treatment area began in October 1988 and the Consent Decree was entered on October 24, 1988. During RA construction, another fact sheet was generated to explain RA progress at the Site.

After the pre-final RA construction inspection on December 14, 1988, another updated fact sheet was generated and distributed to the public announcing the final RA construction inspection to be held on January 19, 1989. Subsequent to the final inspection, a press release was distributed and the appropriate Congressional members were notified of the pending action. The only comments received were from the Florida Department of Health and Rehabilitative Services and the Suwannee County Coordinator. No local citizens attended the inspection except the Mayor of Live Oak and the Suwannee County Coordinator.

The pre-final RA construction inspection was held on-site on December 14, 1988. The final RA construction inspection meeting was held on-site on January 19, 1989, as required for the approval of the RA Construction Report and subsequent certification of RA construction completion. The RA construction was completed according to the approved design in the RD/RA Work Plan. Upon certification of RA construction completion in April of 1989, Operation and Maintenance (O&M) activities began and continued for five (5) years, as set forth in the ROD and Final Site Closeout Report.

The Final Site Closeout Report was approved by the Regional Administrator of EPA on December 31, 1991. In May 1992, Remediation Technologies, Inc. (RETEC) submitted a Supplemental Risk Assessment for AMAX/Brown to include toxicological information which was not available at the time of the Baseline Risk Assessment. O&M ended with the submittal of the Semi-Annual Status Report in July 1994.

O&M of the source control action involved two (2) years of soil degradation monitoring. A six to eight inch lift of contaminated soil, which had been stockpiled on-site, was added to the land treatment area approximately every three months, until all of the contaminated soil was in the land treatment area. The soils in the land treatment area were monitored and sampled quarterly to determine effectiveness for the remainder of the two (2) year O&M period for soils. At the conclusion of O&M, all soil samples complied with concentrations set forth in the ROD. The O&M for the groundwater began after the certification of RA construction completion in April 1989, and consisted of semi-annual sampling for a period of five (5) years. At the conclusion of O&M, all groundwater samples complied with Federal health-based standards and those set forth in the ROD.

On March 30, 1995, the Five-Year Review Report recommended that the Site be deleted from the NPL since it complies with all deletion requirements.

The results of the five year O&M program show that there are no contaminants of concern existing above health based criteria levels in the soil or groundwater. All aspects of the selected remedy have been implemented and are protective of human health and the

environment. Therefore, no unacceptable health risk is associated with the Site.

EPA, with concurrence of the State, has determined that all appropriate Fund-financed responses under CERCLA at the Site have been completed, and that no further cleanup by responsible parties is appropriate. Therefore, EPA proposes the deletion of the Site from the NPL.

Dated: June 19, 1995.

Patrick M. Tobin,

Acting Regional Administrator, USEPA Region IV.

[FR Doc. 95–16419 Filed 7–5–95; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1160

RIN 3154–AAoo

Indemnities Under the Arts and Artifacts Indemnity Act

AGENCY: Federal Council on the Arts and the Humanities.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Notice of Proposed Rulemaking advises the public that the Federal Council on the Arts and the Humanities is proposing to amend the regulations implementing the Arts and Artifacts Indemnity Act, as amended (20 U.S.C. 971–977) (the ''Act''). The principal change is to permit the indemnification of eligible items from the United States while on exhibition in this country in connection with an exhibition of eligible items from outside of the United States. The proposed rule also includes illustrations of exhibitions eligible for indemnification which are intended to provide further guidance to persons considering applying for the indemnification of an international exhibition. The proposed amendment is not intended to bring about a major shift in emphasis of the current policy or practice of the indemnity program.

This notice invites comments on the proposed amendment to the regulations. The Federal Council particularly invites comments from groups, individuals, and governmental agencies involved in the exhibition process, including museums, private insurers, and professional and scholarly organizations. The revised rules will be published in the **Federal Register** and will be included in guideline packages for prospective applicants and in Certificates of Indemnity.

DATES: Comments should be received by August 7, 1995.

ADDRESSES: Interested persons should submit ten copies of their written comments to the Federal Council on the Arts and the Humanities, c/o Alice M. Whelihan, Indemnity Administrator, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Alice Whelihan, 202–682–5442.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Background

In 1975, the United States Congress enacted the Arts and Artifacts Indemnity Act which established an indemnity program administered by the Federal Council on the Arts and the Humanities (the ''Federal Council''). 20 U.S.C. Sections 971–977. The Federal Council is composed of the heads of nineteen federal agencies and was established by Congress, among other things, to coordinate the policies and operations of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services, including the joint support of activities. 20 U.S.C. Section 971.

Under the indemnification program, the United States Government guarantees to pay loss or damage claims, subject to certain limitations, arising out of exhibitions containing items determined by the Federal Council to be of educational, cultural, historical or scientific value the exhibition of which must be certified by the Director of the United States Information Agency as being in the national interest. In order to be eligible for indemnification, the objects must be on exhibition in the United States, or if outside this country preferably as part of an exchange of exhibitions.

B. Legislative History

On May 21, 1975, Senators Claiborne Pell (D, RI) and Jacob Javits (R, NY) introduced the Arts and Artifacts Indemnity Act as an amendment to the reauthorization of the National Foundation on the Arts and Humanities Act of 1965. According to the House Committee report, the purpose of the statute was ''to provide indemnities for exhibitions of artistic and humanistic endeavors, and for other purposes.'' [1] The Senate Committee stated that it believed that this purpose could be advanced ''through the exchange of cultural activities and sharing by nations of the world of their cultural institutions and national wealth and treasure.'' [2]

The broad purpose of the Act is echoed throughout the Act's language and legislative history. For example, in testifying at joint hearings before the House Subcommittee on Select Education and the Senate Special Subcommittee on Arts and Humanities, Nancy Hanks, Chairman, National Endowment for the Arts, stated:

> Cultural exhibitions and exchanges of high quality should be encouraged by the laws and policies of the United States Government. They are in the national interest because of the personal, aesthetic, intellectual, and cultural benefits accruing to every man, woman and child of this nation who has the opportunity to experience these beautiful and enlightening presentations. We believe that this country should do as much as any nation in the world to insure that these vitally important programs are strengthened.[3]

There was concern in Congress that such exchanges were impeded by prohibitively high insurance costs. The Senate noted that ''anywhere from half to two-thirds of the cost of an international exhibition is the cost of insuring the material to be exhibited.'' [4] Ronald Berman, Chairman of the Federal Council, testified that without indemnification provided in special legislation enacted by the 93rd Congress, the insurance costs in connection with several widely attended exhibitions would have been prohibitive.[5]

C. Regulatory Background

The Federal Council is the agency charged by Congress with the responsibility to administer the Arts and Artifacts Indemnity Act. In practice, the Indemnity Program is administered for the Federal Council by the Museum Program of the National Endowment for the Arts under the ''Indemnities Under the Arts and Artifacts Indemnity Act'' regulations (the ''Regulations''), which are set forth at 45 CFR Part 1160.

These Regulations have been promulgated, and amended from time to time, by the Federal Council pursuant to the express and implied rulemaking authorities granted by Congress to make and amend rules needed for the effective administration of the indemnity program. Among other things, Congress expressly granted to the Federal Council the authorities to establish the terms and conditions of indemnity agreements; to set

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[1] *Id.*

[2] *Id.*

[3] H.R. Rep. No. 680, 94th Cong., 1st Sess., at 5.

[4] S. Rep. No. 289, 94th Cong., 1st Sess., at 1.

[5] H.R. Rep. No. 680, 94th Cong., 1st Sess., at 5.