proposed rulemaking or final rule that includes a Federal mandate which may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more in any one year. Under section 205, for any rule subject to section 202 EPA generally must select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Under section 203, before establishing any regulatory requirements that may significantly or uniquely affect small governments, EPA must take steps to inform and advise small governments of the requirements and enable them to provide input.

EPA has determined that today's proposed rule does not trigger the requirements of UMRA. The rule does not include a Federal mandate that may result in estimated annual costs to State, local or tribal governments in the aggregate, or to the private sector, of $100 million or more, and it does not establish regulatory requirements that may significantly or uniquely affect small governments.

F. The Paperwork Reduction Act

This action does not add any new requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The Office of Management and Budget (OMB) has approved the information collection requirements that apply to the RFG/anti-dumping program, and has assigned OMB control number 2060–0277 (EPA ICR No. 1591.07).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

G. Children's Health Protection

This proposed rule is not subject to E.O. 13045, entitled ''Protection of Children From Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

H. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involved technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

I. Statutory Authority

The Statutory authority for the action proposed today is granted to EPA by sections 211(c) and (k) and 301 of the Clean Air Act, as amended; 42 U.S.C. 7545(c) and (k) and 7601.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution.

Dated: September 9, 1998.

Carol M. Browner,

Administrator.

40 CFR part 80 is proposed to be amended as follows:

PART 80—[AMENDED]

1. The authority citation for part 80 is revised to read as follows:

Authority: Secs. 114, 211, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7414, 7545 and 7601(a)).

2. Section 80.70 is amended by adding paragraph (n) as follows:

§ 80.70 Covered areas.

* * * * *

(n) The prohibitions of section 211(k)(5) will apply to all persons other than retailers and wholesale purchaser-consumers on May 1, 1999. The prohibitions of section 211(k)(5) will apply to retailers and wholesale purchaser-consumers on June 1, 1999. As of the effective date for retailers and wholesale purchaser-consumers, the St. Louis, Missouri ozone nonattainment area is a covered area. The geographical extent of the covered area listed in this paragraph shall be the nonattainment boundaries for the St. Louis ozone nonattainment area as specified in 40 CFR 81.326.

[FR Doc. 98–24637 Filed 9–14–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6159–5]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Operable Unit 2 of the South Andover Salvage Yards site from the National Priorities List; request for comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region 5 announces its intent to delete operable unit OU2 of the South Andover Salvage Yards Site (the 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 the U.S. EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by the U.S. EPA, because it has been determined that Responsible Parties have implemented all response actions required and the U.S. EPA, in consultation with the State of Minnesota, has determined that no further response is appropriate for this particular operable unit. This action constitutes a partial delisting of the Site from the NPL. Moreover, the U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Site's OU2 from the NPL may be submitted on or before October 15, 1998.

ADDRESSES: Comments may be mailed to John O'Grady, Remedial Project Manager, or Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region 5, 77 W. Jackson Blvd. (SR–6J), Chicago, IL 60604. Comprehensive information on the site is available at the U.S. EPA's Region 5 office and at the local information repository located at: Andover City Hall, 1685 N. W. Crosstown Blvd., Andover, MN 55303. Requests for comprehensive copies of documents should be directed formally to the Region 5 Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H–7J), U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

FOR FURTHER INFORMATION CONTACT: John O'Grady, Remedial Project Manager at (312) 886–1477 or Gladys Beard (SR–6J), Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–7253 or Don DeBlasio (P–9J), Office of Public Affairs, U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–4360.

SUPPLEMENTARY INFORMATION:

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

I. Introduction

The U.S. EPA Region 5 announces its intent to delete OU2 of the South Andover Salvage Yards Site from the NPL, which constitutes Appendix B of the (NCP), and requests comments on the proposed deletion. The U.S. 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 Potentially Responsible Parties or the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to section 300.425(e)(3) of the NCP, any site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the Site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites or portions of sites from the NPL. Section III discusses procedures that U.S. EPA is using for this action. Section IV discusses the history of this site and explains how the Site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter the U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites or portions of a site may be deleted from the NPL where no further response is appropriate. In making this determination, the U.S. EPA will 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; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response 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, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met, the U.S. EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on the U.S. EPA's intention to delete a portion of the Site from the NPL. All critical documents needed to evaluate the U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region 5 Office to obtain a copy of this responsiveness summary, if one is prepared. If the U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The Site is located in the city of Andover, Anoka County, Minnesota, approximately 16 miles north-northwest of Minneapolis and 3 miles northeast of the City of Anoka. The Site is situated at 45 degree, 16 minutes N Latitude, and 93 degrees, 12 degrees West Longitude, in the south half of Section 32, Township 32 North, Range 24 West of Grow Township.

The Site is comprised of approximately 50 acres. Bunker Lake Boulevard defines the northern extent of the Site. The eastern site boundaries roughly 500 feet west of Jay Street.

Small businesses and new residential developments are located near the Site. For many years the area's population was minimal, however, residential development has encroached the Site since the early 1970s. Development continues to occur around the Site.

There are several small recreational lakes in the area. Crooked Lake is one mile west of the Site and Bunker Lake is 1¼ miles to the east. The Site is in the Coon Creek watershed which supports an oak savanna plant community.

The remediation effort for the Site has been divided into two units or discrete actions, referred to as ''operable units'' (OUs). They are as follows:

OU 1: Remediation of contaminated groundwater.
OU 2: Remediation of contaminated soil.

The operable unit under consideration for deletion from the NPL is Operable Unit 2: Contaminated Soil. The Remedial Investigation (RI), Feasibility Study (FS) and Proposed Plan for OU2 of the Site were released to the public for comment on October 9, 1991. The RI determined that the nature and extent of soil and buried contamination at the Site is distributed in localized ''hot spots''. Seven hot spots were found at the Site which presented a risk to human health. These hot spots were generally found in surface soils at a depth of six feet or less.

The remedial action objective for the soil OU was to clean-up the contaminants of concern to a level which is protective by biologically treating contaminated soil or transporting it off-site where it is contained in a secured, permitted landfill.

The U.S. EPA and the Minnesota Pollution Control Agency (MPCA) determined that the South Andover Superfund Site contained hazardous substances which posed a risk to human health. The hazardous substances which posed such a threat are polycyclic aromatic hydrocarbons (PAHs),

polychlorinated biphenyls (PCBs), lead and antimony. The source of these hazardous substances is contaminated soil which has come into contact with leaking drums which were disposed of at the Site, electrical transformers and/or salvaged automobiles.

PAHs are probable carcinogens that exhibit a low subsurface mobility. PAHs also have a low water solubility. They originate as constituents of crude oil fractions. Such crude oil fractions include fuel and motor oils, as well as coal tar fractions. The highest PAH concentration found at the Site was 30.3 ppm.

PCBs are probable carcinogens that also exhibit a relatively low potential for subsurface mobility. PCBs are chemically inert and insoluble in water. PCBs do adsorb strongly to soils, the amount of PCBs adsorbed is proportional to the amount of organic material in the soil. Based on their strong adsorption to soil organic matter and their relative insolubility in water, PCBs can be persistent. PCBs can be found in oils, greases, dielectric liquids, and thermostatic or insulting fluids, especially in electrical equipment such transformers.

On December 24, 1991, a Record of Decision was signed for OU2 that included:

Excavate and treat approximately 2,100 cubic yards of predominately PAH-contaminated soils using an above-ground biological treatment unit. Use clean fill from other areas of the site as backfill for the excavated areas.

Biologically treated soil would be returned to the Site after performance testing confirmed successful biodegradation of the PAHs.

Excavate and transport approximately 9,300 cubic yards of soils contaminated with PCBs, PAHs, lead and antimony to an off-site soiled waste landfill permitted to receive industrial and/or commercial wastes. Included in this component is the replacement of excavated soil with clean fill from other areas of the site.

Sample and remove approximately twenty drums located on the Site.

A ROD amendment for OU2 of the remedial action was signed on May 31, 1994. U.S. EPA amended its original decision so that the predominately PAH-contaminated soils would be taken off-site for thermal treatment in either a rotary kiln incinerator or a low-temperature thermal desorption unit. Additionally, this amendment served to update the Maximum Contaminant Levels (MCLs) for several constituents which are currently being monitored in groundwater. The need for groundwater monitoring would be assessed three years after all excavation activities had been completed.

The amended remedy when used in conjunction with the contaminated groundwater monitoring remedy (OU1) addressed the potential threat posed to groundwater by eliminating or reducing the risks posed by the Site.

Remedial Action (RA) construction began at the Site in July 1994. The U.S. EPA and MPCA provided field approvals of construction quality control and field modifications. The RA was constructed in accordance with the Remedial Design report, which was approved on June 16, 1994.

A Prefinal Inspection of the RA was completed on September 30, 1994. 11A Prefinal Inspection Report was approved by U.S. EPA on October 11, 1994. The punch list of items identified in the Prefinal Inspection Report were completed by October 28, 1994. Preliminary Close Out Report (PCOR) was signed on November 1, 1994.

The Final Inspection of the Site was completed on November 15, 1994. During the inspection, all items noted in the Pre-Final Inspection Report were found to be complete. All contaminated soil was either destroyed through thermal treatment or transported off-site where it was contained in a secured, permitted landfill. No contaminated soil identified in the RI was left on-site to pose a human health or environmental risk. All remedial actions were deemed to be completed.

The final Remedial Action Report for OU2 (Soil Remediation) was signed and submitted to the U.S. EPA on December 2, 1994.

U.S. EPA, with concurrence from the State of Minnesota, has determined that Responsible Parties implemented all appropriate response actions required for OU2 at the Site. Therefore, the U.S. EPA proposes to delete OU2 two from the NPL.

Dated: August 31, 1998.

Gail W. Ginsberg,

Acting Regional Administrator, Region V.

[FR Doc. 98–24473 Filed 9–14–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–159; RM–9290]

Radio Broadcasting Services; Wallace, ID and Bigfork, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Alpine Broadcasting, Ltd., permittee of Station KSIL (FM), Channel 264C, Wallace, Idaho, requesting the reallotment of Channel 264C to Bigfork, Montana, as that community's first local aural transmission service, and modification of its authorization accordingly, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. Coordinates used for this proposal are 48–02–45 and 114–00–33. As Bigfork, Montana, is located within 320 kilometers (199 miles) of the Canadian border, the Commission must obtain concurrence of the Canadian government to this proposal.

DATES: Comments must be filed on or before October 26, 1998, and reply comments on or before November 10, 1998.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Theodore D. Kramer, Esq., Haley Bader & Potts P.L.C., 4350 North Fairfax Dr., Suite 900, Arlington, VA 22203–1633.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–159, adopted August 26, 1998, and released September 4, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's 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, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.