To prevent a future use of the property which could disturb the integrity of the containment of contamination provided by the building slabs, institutional controls have been imposed on those areas of concern. These institutional controls take the form of deed restrictions which are in addition to those imposed on the Material Placement Area (MPA). These deed restrictions will insure that the remedy remains protective of human health and the environment. Remedial activities were conducted as planned. No additional areas of contamination were identified beyond the discovery of contained contaminated soils beneath structures in the Rival Back Yard (RBY) and the expansion of other areas containing lead contaminated soils and sediments, and the sediments in Lake Marie. The remedial action which was finalized in accordance with the ROD and the Consent Decree put into place deed restrictions in the areas of concern in the RBY and the Material Placement Area.

The Remedial Design and the Remedial Action were carefully reviewed by EPA and MDEQ for compliance with all requirements of the ROD and with all applicable Quality Assurance/Quality Control (QA/QC) procedures and protocol.

All procedures and protocols followed for soil and sediment sampling analysis during the Post-remediation verification sampling are documented in the Post Remediation Verification Sampling Plan. This sampling plan is contained in the Construction Management Plan dated May 8, 1992, as was modified in the field. A Quality Assurance Project Plan (QAPP) was prepared, consistent with the requirements of EPA's Interim Guidelines and Specifications for preparing Quality Assurance Project Plans (QAM–005/80), and in conjunction with the design documents. This QAPP was later modified and used to implement the Remedial Action.

The QA/QC program utilized throughout the Remedial Action was acceptable and enabled EPA and MDEQ to determine that the testing results reported were accurate to the degree needed to assure satisfactory execution of the Remedial Action and consistent with the ROD.

The verification sampling performed across the site have indicated that all cleanup levels have been achieved and the construction was completed consistent with the ROD and design plans and specifications. Throughout the construction, the U.S. Army Corps of Engineers (COE) provided oversight of the Remedial Action on behalf of EPA. The COE conducted frequent inspections of all site construction activities and submitted written monthly reports that described the results of its inspections.

Laboratory results have indicated that the remedy has achieved performance standards and met the cleanup levels established in the ROD. Interpretation of this analytical data indicate that the remedy has been constructed in accordance with the Remedial Design plans and specifications and is achieving the primary purpose of preventing human health risks from contamination of on-site soils and sediments.

As required by the Consent Decree (CD), the Settling Parties submitted the final Operation and Maintenance (O&M) Plan to EPA on November 12, 1993. The ROD requires that groundwater monitoring be performed quarterly for the first year. EPA will review the data and a decision will be made on the frequency of monitoring for the subsequent years.

Four groundwater monitoring wells were installed in and around the MPA. These wells will be used to monitor the long-term performance of the Material Placement Area on the quality of the groundwater. Samples from each monitoring well will be collected and analyzed for the lead (total lead). Statistical analysis will be employed to determine if the MPA is having an adverse affect on the area groundwater.

In accordance with EPA guidance, a five year review of this project is necessary to ensure continued protection of human health and the environment. The statutory five-year review will be conducted pursuant to guidance contained in OSWER Directive 9355.7–02, Structure and Components of the Five-Year Review. The five year time frame began on June 22, 1992, the Remedial Action contract award date. Therefore, the five year review should be completed on or before June 22, 1997.

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, it proposes to delete the Site from the NPL and requests public comments on the proposed deletion.

Dated: June 1, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–14546 Filed 6–14–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

RIN 3067–AC38

Review of Determinations for Required Purchase of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: FEMA proposes to establish the procedures and process for its review of determinations of whether a building or mobile home is located in an identified Special Flood Hazard Area. The review process will provide an opportunity for borrowers and lenders of loans secured by improved real estate to resolve disputes regarding contested determinations.

DATES: We invite your comments on this proposed rule, which should be submitted on or before August 14, 1995.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (facsimile) (202) 646–4536.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–2756, (facsimile) (202) 646–4596 (not toll-free calls).

SUPPLEMENTARY INFORMATION: Section 102(e) of the Flood Disaster Protection Act of 1973, as amended by the National Flood Insurance Reform Act of 1994 (NFIRA) (42 U.S.C. 4012a(e)(3), states that the borrower and lender for a loan secured by improved real estate or a mobile home may jointly request FEMA to review a determination of whether the building or mobile home is located in an identified Special Flood Hazard Area (SFHA). Within 45 days after receiving the request, if all required supporting technical information is provided, FEMA would review the determination and provide to the borrower and the lender a letter stating, based on the information supplied, whether the building or mobile home is in an identified Special Flood Hazard Area. These procedures would be available to the borrower and the lender during the 45-day period after the borrower is notified that flood insurance is required. Only joint requests by both the lender and the borrower (requests accompanied by a letter signed by both parties) would be accepted under these procedures. Requests submitted more

than 45 days after borrower notification be not be reviewed and would be returned.

Background

Section 102(b) of the Flood Disaster Protection Act of 1973, as amended by the National Flood Insurance Reform Act of 1994 (NFIRA), 42 U.S.C. 4012a(b), requires that federally regulated lending institutions and federal agency lenders review the National Flood Insurance Program (NFIP) map for the community in which they are contemplating making, increasing, extending, or renewing any loan secured by improved real estate to determine whether the building or mobile home is located in an identified Special Flood Hazard Area, and if so, require the purchase of flood insurance for the building or mobile home. Section 524(e)(3)(A) of the NFIRA provides for the borrower and lender jointly to request that FEMA review the determination. There may be cases in which there is a disagreement regarding the accuracy of a determination, and this procedure will confirm or disprove the accuracy of the original determination. In many cases, a third party performs these determinations for lenders. The NFIRA states that a lender may provide for the acquisition or determination of information regarding special flood hazards to be made by a person other than the lender only to the extent such person guarantees the accuracy of the information. Because lenders rely on information provided by these third parties to ensure compliance with mandatory flood insurance purchase requirements, lenders have ample incentives to ensure the quality of this information. Therefore, FEMA expects that these determinations would be done correctly and FEMA's review of these determinations will be necessary only in unusual cases. If additional information (such as a property survey) becomes available after the initial determination was performed, FEMA would expect that this additional information would be presented to the party making the determination for consideration before asking FEMA to review the determination.

Standard Hazard Determination Form

As mandated by Section 528 of the NFIRA (42 U.S.C. 4104b), FEMA is developing a Standard Hazard Determination Form to be used by all regulated lenders and federal agency lenders making flood hazard determinations for improved property used to secure loans. The Standard Hazard Determination Form was published as a proposed rule in the **Federal Register** on April 7, 1995, 60 FR 17758. We propose that when the borrower and lender ask FEMA to make a flood hazard determination review, they would provide to FEMA the completed Standard Hazard Determination Form together with all other technical information used in making the flood hazard determination. After reviewing that technical information, FEMA would issue a written determination concurring with or disagreeing with the original determination, and stating whether the National Flood Insurance Program map indicates the subject building or mobile home is in the SFHA.

Fee for Review by FEMA

FEMA would initiate cost recovery procedures for its review of determinations. This action would reduce expenses to the flood insurance policyholders and would contribute to maintaining the NFIP as self-supporting. We anticipate that a flat fee of $60 would cover a majority of the costs associated with reviewing, recording, processing, and dispatching FEMA determinations. This fee would also apply to a finding of insufficient information. This fee would be reviewed on an annual basis and would be changed, if necessary, by publishing a notice in the **Federal Register**.

Effect on Existing Letter of Map Amendment (LOMA)/Letter of Map Revision (LOMR) Procedures

The procedures proposed under this part would not result in a revision to an NFIP map and are not intended to replace those procedures already provided in 44 CFR Parts 65 and 70. If additional technical data, such as elevation information about the building or mobile home, are provided with the request for review of a determination, FEMA would not automatically initiate the LOMA or LOMR process for the property. A request for a LOMA or LOMR may be submitted at any time and must be presented following the procedures established under 44 CFR parts 70 and 65 for those requests.

National Environmental Policy Act

This proposed rule would be categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Deputy Director certifies that this rule would not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because it would not be expected (1) to have significant secondary or incidental effects on a substantial number of small entities, nor (2) to create any additional burden on small entities. Moreover, establishing a procedure for FEMA's review of determinations is required by the National Flood Insurance Reform Act of 1994, 42 U.S.C. 4012a. A regulatory flexibility analysis has not been prepared.

Regulatory Planning and Review

This proposed rule would not be a significant regulatory action under Executive Order 12866 of September 30, 1994, Regulatory Planning and Review, 58 FR 51735. To the extent possible this proposed rule adheres to the principles of regulation as set forth in Executive Order 12866. This proposed rule has not been reviewed by the Office of Management and Budget under the provisions of Executive Order 12866.

Paperwork Reduction Act

This proposed rule would not involve any collection of information for the purposes of the Paperwork Reduction Act.

Executive Order 12612, Federalism

This proposed rule would involve no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule would meet the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is proposed to be amended to read as follows:

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

1. The authority citation for part 65 is proposed to be revised to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Section 65.17 is proposed to be added to read as follows:

§ 65.17 Review of determinations.

This section describes the procedures that shall be followed and the types of information required by FEMA to review a determination of whether a building or mobile home is located within an identified Special Flood Hazard Area (SFHA).

(a) *General Conditions.* The borrower and lender of a loan secured by improved real estate or a mobile home may jointly request that FEMA review a determination that the building or mobile home is located in an identified SFHA. Such a request must be submitted within 45 days of the lender's notification to the borrower that the building or mobile home is in the SFHA and that flood insurance is required. Such a request must be submitted jointly by the lender and the borrower and shall include the required fee and technical information related to the building or mobile home.

(b) *Data and Other Requirements.* Items required for FEMA's review of a determination shall include the following:

(1) Payment of the required fee by credit card, check, or money order, payable in U.S. funds, to the National Flood Insurance Fund;

(2) A request for FEMA's review of the determination, signed by both the borrower and the lender;

(3) A copy of the lender's notification to the borrower that the building or mobile home is in an SFHA and that flood insurance is required (the request for review of the determination must be postmarked within 45 days of borrower notification);

(4) A completed Standard Hazard Determination Form for the building or mobile home, together with a legible copy of all technical data used in making the determination; and

(5) A copy of the effective Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) panel for the community in which the building or mobile home is located, with the building or mobile home location indicated. Portions of the map panel may be submitted but shall include the area of the building or mobile home in question together with the map panel title block, including effective date, bar scale, and north arrow.

(c) *Review and Response by FEMA.* Within 45 days after receipt of a request to review a determination, FEMA will notify the applicants in writing of one of the following:

(1) Request submitted more than 45 days after borrower notification; no review will be performed and all materials are being returned;

(2) Insufficient information was received to review the determination; therefore, the determination is upheld until a complete submittal is received; or

(3) The results of FEMA's review of the determination, which shall include the following:

(i) The name of the NFIP community in which the building or mobile home is located;

(ii) The property address or other identification of the property and building or mobile home to which the determination applies;

(iii) The NFIP map panel number and effective date upon which the determination is based;

(iv) A statement indicating whether the building or mobile home is within the Special Flood Hazard Area;

(v) The time frame during which the determination is effective (generally until the next map revision occurs for the map panel involved).

Dated: June 9, 1995.

Harvey G. Ryland,

Deputy Director.

[FR Doc. 95–14690 Filed 6–14–95; 8:45 am]

BILLING CODE 6718–03–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD 22

Endangered and Threatened Wildlife and Plants; Reopening of the Comment Period on Proposed Critical Habitat Determination for Woundfin, Virgin River Chub, and Virgin Spinedace

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of the comment period.

SUMMARY: The Fish and Wildlife Service (Service) provides notice that the comment period is reopened on the proposal to designate critical habitat for woundfin (*Plagopterus argentissimus*) and Virgin River chub (*Gila seminuda = G. robusta seminuda*), two species of fish federally listed as endangered pursuant to the Endangered Species Act (Act), and for Virgin spinedace (*Lepidomeda mollispinis mollispinis*), a species proposed for listing as threatened under the Act. All three species of fish are endemic to the Virgin River Basin of southwestern Utah, northwestern Arizona, and southeastern Nevada. Comments received during the entire comment period, April 5 to June 20, 1995, will be considered before finalizing the designation of critical habitat.

DATES: The comment period, which originally closed on June 5, 1995, will now close on June 20, 1995. The comment period has been extended due to several requests from the public.

ADDRESSES: Written comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Salt Lake City Field Office, 145 East 1300 South, Suite 404, Lincoln Plaza, Salt Lake City, Utah 84115. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address. Copies of comments and materials received also will be available for public inspection at the Washington County Public Library in St. George, Utah.

FOR FURTHER INFORMATION CONTACT: Mr. Robert D. Williams, Assistant Field Supervisor, at the above address, telephone (801) 524–5001.

SUPPLEMENTARY INFORMATION:

Background

The woundfin, Virgin River chub and Virgin spinedace are endemic to the Virgin River Basin. The Virgin River originates in south-central Utah, running in a southwest direction from Utah, to northwestern Arizona, and southeastern Nevada for approximately 320 kilometers (km) (200 miles (mi)) before emptying into Lake Mead. The Virgin River populations of these fishes have declined due to the cumulative effects of environmental impacts that resulted in habitat loss including: Dewatering from numerous diversions, proliferation of nonactive fishes, alterations to natural flow, temperature, and sediment regimes.

There is considerable overlap in critical habitat proposed for the three species, and the proposed designation includes 330.8 km (206.8 mi) of the Virgin River in portions of Utah, Arizona, and Nevada. The Service proposes 151.7 km (94.8 mi) of critical habitat for the woundfin (approximately 13.5 percent of its historical range); 151.7 km (94.8 mi) for the Virgin River chub (70.8 percent of its historical range, excluding the range historically occupied by the Muddy River form); and 201.9 km (126.2 mi) for the Virgin spinedace (87.3 percent of its historical range).

The proposed rule to designate critical habitat for the three fishes was published on April 5, 1995 (60 FR 17296). A public hearing was held on