trichloroethane. The Site was placed on the NPL on February 21, 1990 (55 FR 6154).

On July 30, 1994, the City of Wichita, Kansas, petitioned the Administrator of the Environmental Protection Agency to remove the 29th and Mead Ground Water Contamination Site from the NPL, in effect, by revising the Site's Hazard Ranking System (HRS) score. On November 29, 1994, EPA denied the petition, in part because there was no reason to change the HRS scoring of the Site.

The Agency, however, recognizes that legitimate issues were raised regarding the overall process for Site cleanup developed by the City and State, and has reconsidered its decision not to delete the Site from the NPL. This decision is not based on any re-evaluation of the Site or the Hazard Ranking System score but rather on the City's previous successful development of a strategy for cleanup of the Gilbert and Mosley Site, a site that was deferred to the State, and the expectation that the City and the State, through their enforceable agreement, can accomplish the same results at the 29th and Mead Ground Water Contamination Site without additional federal intervention. The reasoning for this decision is described below. EPA will use the results of this pilot project to evaluate the efficiency and effectiveness of the Site cleanup before determining whether to grant future deletions of final NPL sites based on deferrals to states.

EPA finds that, because the City and the State have agreed to address the contamination at the 29th and Mead Site, no further response action under CERCLA is necessary at this Site due to the following circumstances:

First, Kansas is one of seven states to pilot and successfully implement EPA's state deferral program. The purpose of the deferral program is to encourage qualified, interested States to address, under State laws, the large number of sites now in EPA's listing queue, thereby accelerating cleanup. Kansas has worked actively with EPA and Potentially Responsible Parties (PRPs) to ensure successful cleanup of these sites.

Second, the cleanup of the 29th and Mead Ground Water Contamination Site will be patterned after another pilot site, Gilbert and Mosley, one of ten sites that was deferred to the State prior to proposal to the NPL under EPA's Superfund Administrative Improvements Program. The City of Wichita, in partnership with KDHE, successfully developed a strategy for cleanup of that site. Specifically, the City:

(1) Entered into an enforceable agreement with KDHE;

(2) Has secured agreement from one of the principal PRPs at Gilbert and Mosley (Coleman Company) to pay their part of the cleanup;

(3) Issued Certificates of Release to property owners participating in the cleanup strategy which ensure that no contribution suits will be filed by parties participating in the settlement;

(4) Developed an agreement with financial institutions to re-establish lending in the area, and obtained up-front financial commitments to fund the capital investment of the clean-up costs and studies required;

(5) Implemented a tax increment financing (TIF) district where, after improvements were made, the higher restored property values provided the tax base to pay for the improvements; and

(6) Established a Technical Advisory Committee and a Citizens Steering Committee to facilitate citizen involvement;

(7) Agreed to plan and ensure implementation of a remedial investigation, remedial design and cleanup of the site.

The City of Wichita received the 1992 Ford Foundation and Kennedy School of Government Innovations in State and Local Government Award for its creative solutions to the Gilbert and Mosley Superfund site. The remedial design for an interim groundwater containment and treatment system is now being developed pursuant to the Gilbert and Mosley agreement, and the project is ahead of the schedule proposed in that agreement.

Third, the two sites are adjacent and the principal PRP has been cooperative at both sites.

Fourth, based on this experience, EPA expects that KDHE and the City of Wichita will undertake similar efforts that will be protective of human health and the environment at the 29th and Mead Ground Water Contamination Site.

The City of Wichita has now entered into an enforceable agreement with KDHE under which the City will assume responsibility for funding and developing a cleanup strategy at the 29th and Mead site. A copy of the Agreement is available for review at the three docket locations listed in the **ADDRESSES** section above.

This action is consistent with EPA's reinvention of environmental regulation to achieve the best results at the least cost through emphasis on performance-based management. In particular, this action reflects the goals of the XL Program (FRL–5197–9; May 23, 1995) by providing flexibility to replace current requirements with alternative strategies that achieve better bottom line environmental results. This action also reflects the goals of EPA's community-based environmental protection initiative by empowering state and local officials to better meet the needs and priorities of the communities.

For these reasons EPA proposes to delete the 29th and Mead Ground Water Contamination Site from the NPL.

Should conditions change (i.e., insufficient progress toward cleanup), nothing shall preclude the Environmental Protection Agency from restoring this facility to the NPL in the future should the Agency determine, after consultation with the State, that such listing will facilitate the implementation of response actions in a timely manner. Should that be deemed necessary and EPA determines that there is a significant release from the Site, the Agency may take remedial action at the site, and may restore the Site to the NPL without application of the HRS under 40 CFR 300.425(e)(3).

Dated: December 14, 1995.

Elliott P. Laws,

Assistant Administrator.

[FR Doc. 96–1715 Filed 1–30–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATION COMMISSION

47 CFR Part 15

[ET Docket 95–177; FCC 95–488]

Biomedical Telemetry Devices

AGENCY: Federal Communication Commission.

ACTION: Proposed Rule.

SUMMARY: By this action, the Commission proposes to expand the available frequencies and increase the permitted power for unlicensed biomedical telemetry devices operating on VHF and UHF television channels. This is in response to a petition for rule making, filed on December 23, 1994, by the Critical Care Telemetry Group (CCTG). The Commission seeks to provide reasonable access to additional spectrum to meet the needs of CCTG and the health care industry while protecting existing television and future advanced digital television services from potential interference.

DATES: Comments are due on or before April 16, 1996. Reply comments are due on or before May 16, 1996.

FOR FURTHER INFORMATION CONTACT: Anthony Serafini, Office of Engineering and Technology, (202) 418–2456.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making* adopted December 5, 1995, and released January 25, 1996. The full text is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. By this action, the Commission proposes to amend Part 15 of the its rules to expand the available frequencies and increase the permitted power for unlicensed biomedical telemetry devices operating on VHF and UHF television channels. We recognize the need for additional spectrum for biomedical telemetry devices and believe that TV spectrum may be appropriate for use by biomedical telemetry devices. We request comment on the extent to which sharing between TV operations and biomedical devices is feasible. We note that UHF channel 37 (608–614 MHz) is reserved exclusively for the radio astronomy service, and we seek comment on whether sharing this spectrum with biomedical telemetry devices is viable and/or preferable to sharing with the television broadcast service. Additionally, we note that Land Mobile services are authorized to operate in parts of the 470–512 MHz band in some localities, and invite comment on the ability of biomedical telemetry devices to share this spectrum without creating or receiving harmful interference. We seek comment on the total amount of spectrum that is needed to support biomedical telemetry devices and whether there may be a range of operating frequencies that may be more favorable than others.

2. We note that any effort to accommodate biomedical telemetry devices in TV spectrum during the DTV transition period will require flexibility that could include changing of the frequency used by an existing biomedical telemetry device to avoid interfering with DTV channels. Therefore, we propose that biomedical telemetry devices be designed to be frequency selectable to operate over a given range of television channel frequencies. This proposal is intended to help avoid interference and minimize the economic impact of requiring biomedical telemetry device users to purchase new equipment due to changes in television frequency usage during the DTV transition period. We seek comment on this proposal and whether devices should be required to implement a minimum number of selectable channels. We also propose that biomedical telemetry devices be required to vacate existing TV spectrum that is reallocated to other use as a result of the implementation of DTV.

3. The low operating field strength allowed in the 512–566 MHz band does not appear to be adequate for a viable service. We propose to allow biomedical telemetry devices to operate, as proposed by CCTG, at transmitter power levels not to exceed 5 milliwatts. We note that this power level is considered high compared to other operating limits for unlicensed Part 15 devices. We seek comment on the appropriateness of this power level considering the intended use of these devices. The proposed operating power necessitates provisions to protect the television broadcast service. We propose to adopt the co-channel separation requirements proposed by CCTG.

List of Subjects in 47 CFR Part 15

Communications equipment.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Amendatory Text

PART 15 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for part 15 is revised to read as follows:

Authority: 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307.

2. Section 15.209 is amended by revising paragraph (g) to read as follows:

§ 15.209 Radiated emission limits; general requirements.

* * * * *

(g) Perimeter protection systems may operate in the 54–72 MHz and 76–88 MHz bands under the provisions of this section. The use of such perimeter protection systems is limited to industrial, business and commercial applications.

3. Section 15.241 is revised to read as follows:

§ 15.241 Operation in the bands 174–216 MHz, 470–608 MHz and 614–806 MHz.

(a) Operation under the provisions of this section is restricted to biomedical telemetry devices.

(b) Emissions from a biomedical telemetry device operating under the provisions of this section shall be confined within a 200 kHz band which shall lie wholly within the frequency ranges of 174–216 MHz, 470–608 MHz and 614–806 MHz.

(c) The maximum peak transmitter output power of any biomedical telemetry device operating under the provisions of this section shall not exceed five (5) milliwatts. The field strength of emissions radiated on any frequency outside of the specified 200 kHz band shall not exceed 150 microvolts/meter at 3 meters.

(d) Biomedical telemetry devices shall be designed to include a frequency selection mechanism that permits selection or retuning of operating frequencies. Biomedical telemetry devices must not cause harmful interference to licensed TV broadcast stations or to land mobile stations operating in the 470–512 MHz band. If interference occurs, the device must immediately cease operation on the occupied frequency. If an alternate frequency meeting the requirements of paragraph (e) of this section can be found, the biomedical telemetry device, may be retuned to operate on the alternate frequency. The user is responsible for resolving any interference that occurs subsequent to installation of these devices.

(e) Biomedical telemetry device installers and users must ensure that the following minimum distance separations are maintained between a biomedical telemetry device operating under the provisions of this section and television broadcast stations, authorized under part 73 of this chapter, operating within the same channel bandwidth (minimum distance separations vary depending upon the frequency and zone, within which the relevant television station is operated, as specified in § 73.609 of this chapter):

Frequency	Zone(s)	Separation (km)
174–216 MHz band	I	107.1
174–216 MHz band	II, III	131.8
470–806 MHz band	I, II, III	113.2

(f) The marketing and the use of biomedical telemetry devices operating under the provisions of this section

shall be confined to hospitals or other healthcare facilities.

[FR Doc. 96–1854 Filed 1–30–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD20

Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of the comment period for the proposed special rule.

SUMMARY: On February 17, 1995, the Fish and Wildlife Service (Service) published a proposed special rule in the Federal Register (60 FR 9484, February 17, 1995) pursuant to section 4(d) of the Endangered Species Act (Act), to replace the blanket prohibitions against incidental take of spotted owls with a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California. The comment period was scheduled to end on January 26, 1996. The intent of this document is to reopen the comment period to March 1, 1996.

DATES: The comment period for written comments is reopened until March 1, 1996.

ADDRESSES: Comments and materials concerning this proposed rule should be sent to Mr. Michael J. Spear, Regional Director, Region 1, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181.

FOR FURTHER INFORMATION CONTACT: Mr. Curt Smitch, Assistant Regional Director, North Pacific Coast Ecoregion, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501 (360/534–9330); or Mr. Ron Crete, Manager, Habitat Protection and Restoration, Office of Technical Support-Forest Resources, P.O. Box 3623, Portland, Oregon 97204–3623 (503/326–6700).

SUPPLEMENTARY INFORMATION:

Background

The implementing regulations for threatened wildlife generally incorporate the prohibitions of section 9 of the Endangered Species Act of 1973, as amended (Act), for endangered wildlife, except when a ''special rule'' promulgated pursuant to section 4(d) of the Act has been issued with respect to a particular threatened species. At the time the northern spotted owl, *Strix occidentalis caurina,* was listed as a threatened species in 1990, the Service did not promulgate a special section 4(d) rule and therefore, all of the section 9 prohibitions, including the ''take'' prohibitions, became applicable to the species. To replace the blanket prohibitions against take of spotted owls, the Service published a proposed special rule, 50 CFR Part 17, on February 17, 1995, in the Federal Register, pursuant to section 4(d) of the Act, which proposes a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

Dated: January 25, 1996.

Curt Smitch,

Acting Regional Director, U.S. Fish and Wildlife Service, Region 1, Portland, Oregon.

[FR Doc. 96–1829 Filed 1–30–96; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 960123012-6012-01; I.D. 011995A]

RIN 0648–AF78

Reef Fish Fishery of the Gulf of Mexico; Red Grouper Size Limits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: In accordance with the Gulf of Mexico Fishery Management Council's (Council) proposed regulatory amendment under the framework procedure for adjusting management measures of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), NMFS proposes to change the minimum allowable size of red grouper, currently 20 inches (50.8 cm), to 18 inches (45.7 cm) for persons not subject to the bag limit. The intended effect of this rule is to facilitate harvest of the annual commercial quota for the shallow-water grouper complex, thereby achieving optimum yield.

DATES: Written comments must be received on or before March 1, 1996.

ADDRESSES: Comments on the proposed rule should be sent to Michael E. Justen or Robert Sadler, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the regulatory amendment, which includes an environmental assessment and a regulatory impact review, and for copies of a minority report submitted by five members of the Council, should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609–2486.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen or Robert Sadler, 813–570–5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented by regulations at 50 CFR part 641.

Proposed Management Measures

The 9.8–million lb (4.4–million kg) shallow-water grouper quota for the commercial fishery has not been taken in recent years. The shallow-water grouper complex includes red grouper, which historically (1986–91) comprised 62 percent of the commercial catch before the current minimum size limit became effective on February 21, 1990. Grouper fishermen testifying to the Council requested the proposed reduction in the minimum allowable size of red grouper from 20 inches (50.8 cm) to 18 inches (45.7 cm) for persons not subject to the bag limit to facilitate the harvest of the quota. These fishermen also noted that wastage occurred in the fishery from discarding dead 18- and 19-inch fish and from using undersized grouper for bait. Utilization of undersized grouper for bait is illegal since § 641.7(f) prohibits the possession of fish smaller than the minimum size limit. Most of these hidden sources of fishing mortality would be counted against the quota under an 18–inch minimum size limit, thereby providing a more accurate estimate of fishing mortality.

The Council reviewed a red grouper stock assessment completed in September 1994 by the Southeast Fisheries Science Center, NMFS,