results of any WQP sampling conducted in addition to the minimum requirements of the LCR be considered as a part of any compliance determination under § 141.82(g); therefore, no additional burden is assumed in conjunction with recording the results of continuous monitoring every four hours since it is reasonable to conclude that systems doing continuous monitoring already are recording these results at these intervals in compliance with other drinking water regulations. If anything, this alternative may result in a slight burden decrease for those systems that would be triggered into PN more frequently than once per quarter under the current requirements.

EPA solicits public comment on this new approach, including such issues as:

- Does it make sense for systems that sample more frequently than once per day to use a percentile-based approach for determining compliance with OWQPs;
- Is the 95th percentile the appropriate percentile and, if not, what percentile should be used and why;
- Is it appropriate to use different compliance-determination approaches depending on the frequency of monitoring;
- Would it be more appropriate to use the percentile-based approach where a water quality parameter is measured daily at a sampling location and, if so, why;
- Should some other approaches be allowed for determining compliance and, if so, what and how should the approach be structured and when should it be used;
- Is it appropriate to require systems conducting continuous monitoring to record the results every 4 hours and, if not, what is the appropriate frequency and why; and
- Is it clear from the existing rule language of § 141.86(d)(4) and § 141.87(e) that a system loses its eligibility for reduced monitoring if it is out of compliance with § 141.82(g) but not if it incurs an excursion that does not result in a violation.

After considering the public comments on today's Notice, EPA may change various components of this new compliance scenario in the final rule if the Agency believes such changes are warranted.

List of Subjects in 40 CFR Part 141

Environmental protection, Chemicals, Indians-lands Intergovernmental relations, Reporting and recordkeeping requirements, Water supply.

Dated: August 10, 1998.

J. Charles Fox,

Acting Assistant Administrator, Office of Water.

[FR Doc. 98–22196 Filed 8–17–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6145–1]

Delaware: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to grant final authorization to the hazardous waste program revisions submitted by Delaware. In the final rules section of this **Federal Register**, EPA is authorizing the State's program revisions as an immediate final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for the authorization is set forth in the immediate final rule. If no adverse written comments are received on this action, the immediate final rule will become effective and no further activity will occur in relation to this proposal. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a document containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before September 17, 1998.

ADDRESSES: Mail written comments to Marie Owens, 3WC21, RCRA State Programs Branch, 1650 Arch Street, Philadelphia, PA 19103. You can examine copies of the materials submitted by the Delaware Department of Natural Resources and Environmental Control during normal business hours at the following locations: EPA Region III Waste and Chemicals Management Division, 10th Floor, 1650 Arch Street, Philadelphia, PA 19103, Phone number: (215) 814–3384; and Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, DE 19903.

FOR FURTHER INFORMATION CONTACT: Marie Owens, Mailcode 3WC21, RCRA State Programs Branch, 1650 Arch Street, Philadelphia, PA 19103, phone (215) 814–3384.

SUPPLEMENTARY INFORMATION: For additional information see the immediate final rule published in the rules section of this **Federal Register**.

Authority: This document is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: August 7, 1998.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 98–22058 Filed 8–17–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6144–7]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete the Denzer & Schafer X-Ray Company site from the National Priorities List: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region II Office announces its intent to delete the Denzer & Schafer X-Ray Company Site (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), as amended, 42 U.S.C. 9605. EPA and the State of New Jersey 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 September 17, 1998.

ADDRESSES: Comments may be mailed to: Matthew Westgate, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th floor, New York, NY 10007–1866.

Comprehensive information on this site is available through the EPA Region

II public docket, which is located at EPA's Region II Office in New York City.

Background information from the Regional public docket is also available for viewing at the Site's information repositories located at:

Berkeley Township Library 42 Station Road, Bayville, New Jersey 08721, Phone: (908) 269–2144

Berkeley Township Municipal Building, P.O. Box B, Pinewald-Keswick Road, Bayville, New Jersey 08721, Phone: (908) 244–7400

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Westgate, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway 19th floor, New York, NY 10007–1866, Phone: (212) 637–4422.

SUPPLEMENTARY INFORMATION:

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

I. Introduction

The Environmental Protection Agency Region II announces its intent to delete the Denzer & Schafer X-Ray Company Site, located at 186 Hickory Lane (Block 858, Lot 46A), in Bayville, Berkeley Township, Ocean County, New Jersey, from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of the NCP, 40 CFR part 300. 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. As described in § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning the Denzer & Schafer X-Ray Company Site for thirty days after publication of this document in the **Federal Register**.

Section II of this document 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

Section 300.425(e)(l)(i)-(iii) of the NCP provides that sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, 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

The following procedures were used for the intended deletion of this site:

(1) EPA Region II and the State of New Jersey issued a Record of Decision (ROD) which documented that no further remedial action is necessary at the Denzer & Schafer Site to ensure protection of human health and the environment;

(2) The State of New Jersey 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 for 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's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in Section II of this document, § 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 Region II 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, which will address any significant public comments received during the public comment period.

The deletion occurs when the EPA Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect any 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 Region II 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 Denzer & Schafer X-Ray Company was located at 186 Hickory Lane (Block 858, Lot 46A) approximately 4,700 feet west of Route 9 in the Bayville area of Berkeley Township. Barnegat Bay is approximately two miles to the east of the Site and Tom's River is two miles to the north.

B. History

The Denzer and Schafer X-Ray Company was engaged in the reclamation of silver from microfilm and x-rays. Past activities at the facility have included the reclamation of silver by chemical stripping or incineration of spent film. In 1974, the company switched from incineration to a caustic soda and salt silver reclamation process. Between 1974 and 1981, the facility disposed of its stripping solution by discharging it to the plant's subsurface sanitary septic system.

In addition to the silver recovery business, Microindustries, Inc., a microfilming service company, was located at the Site. Microindustries, Inc. was in operation since 1970 and operated exclusively as a microfilming service company. Microfilm processing wastes, such as photographic developers and fixers, were generated as part of the company's operations. These wastes were discharged to the plant's sanitary septic system prior to 1981.

Periodic sampling of wells installed by the owner since August 1981 and analyses of soil samples collected at the Site indicated that waste from past operations contaminated ground water and soils at the Site.

The Site was proposed for inclusion on the NPL on December 30, 1982 and subsequently added to the NPL on September 8, 1983.

In 1986, DEP under a cooperative agreement with EPA, began a Remedial Investigation and Feasibility Study (RI/FS). Based on the results of the multi-phased RI and subsequent studies, a Record Of Decision (ROD) was signed by the Regional Administrator on September 28, 1995. The ROD documented the decision that no further remedial action was necessary at the Denzer & Schafer X-Ray Site because the conditions pose no unacceptable risk to human health and the environment. The State of New Jersey will continue to monitor the groundwater because some

residual lead contamination remains in the aquifer above drinking water standards near the old source area.

In April 1996, EPA conducted a removal assessment on the abandoned facility and subsequently remediated chemicals left at the site. In September 1996, the remaining underground storage tank was excavated and removed.

In June 1997, the Berkeley Development Corporation hired Brinkerhoff Environmental Services to sample, demolish and dispose of the remaining plant building and debris and properly abandon the two remaining septic systems. This work was completed in August 1997.

C. Characterization of Human Health Risk

The RI included the collection and analysis of soil, ground water and air samples, an aquifer testing program which included a pump test, borehole gamma ray logging, a surface electromagnetic conductivity survey, tank testing, test pit excavation and sampling, and process waste water sampling.

Groundwater

Hazardous substances were found in the ground water above Maximum Contaminant Levels (MCLs).

The RI and supplemental investigations concluded that lead in the ground water is the only contaminant that exceeds Federal and State Drinking Water Standards. Currently, there is not a verified toxicity factor for lead that can be used in normal risk assessment methodologies to determine the health risks associated with this contaminant. However, EPA has developed the Integrated Exposure Uptake Bio-Kinetic Model (IEUBK) as a useful tool to aid in making more informed decisions about the concentrations of lead in the environment that might be expected to impact human health.

The IEUBK Model was designed to model exposure from lead in the environment to predict blood levels in children. Incorporating site-specific soil and ground water data into the model predicted that 100 percent of the population would be below the threshold of 10 micrograms per deciliter (ug/dl) for children exposed to lead off site. For children exposed to lead on site, 99.99 percent of the population would be below the threshold of 10 ug/dl. These results indicate that for both future residential land use on and off site, the levels are consistent with Superfund's lead directive that employs a level of protectiveness which results in 95% of the population distribution falling below 10 ug/dl.

However, since the aquifer still exhibits low levels of contamination at the Site itself, DEP and EPA developed a monitoring program which included sampling of ground and surface waters and sediment, including the intermittent pond directly east of the Denzer & Schafer X-Ray Company building, Potter Creek to the south and Mill Creek to the north.

In February 1996, the sampling showed lead levels (123 ppb and 19.8 ppb) above drinking water standards (15 ppb) in two of the five groundwater monitoring wells and elevated lead levels (1.9 ppb) in the headwaters of Mill Creek, approximately 5,000 feet to the northwest of the source area, and in Potter Creek (lead—3.2 ppb), approximately 2,000 feet to the southeast of the source area. The lead was found at levels below the Federal Water Quality Criteria and therefore, does not represent a risk to human health or the environment. Upon further consultation with DEP and EPA's Biological Technical Assistance Group (BTAG), EPA concluded that, because of the great distances separating them, the lead found in the groundwater adjacent to the source area is not related to the lead found in the headwaters of the two creeks, and no future sampling of the creeks would be necessary.

DEP established a Classification Exception Area in January 1998 based on the ground water monitoring to ensure that new wells will not be installed in the area without appropriate precautions.

Air and Surface Water

Air samples collected during both phases of the RI showed levels of contamination similar to normal background levels.

Surface water samples were generally free of priority pollutant compounds.

Soils

Some subsurface soils on-site exceed the health-based standards for silver. However, it was determined that soil contamination does not pose an unacceptable risk. The possibility for oral, dermal, and inhalation exposure to silver in subsurface soils is remote.

D. Ecological Risk

Ecological risks were not characterized because the significant risk is associated with contaminated ground water and no exposure pathway exists.

E. Protectiveness

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 the concurrence of the DEP, believes this criterion for deletion has been met. Details on the decision can be found in the ROD issued in September 1995. Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the docket.

Dated: July 8, 1998.

William J. Muszynski,

Regional Administrator, Region II.

[FR Doc. 98–21894 Filed 8–17–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 43

[CC Docket 98–117; FCC 98–147]

1998 Biennial Regulatory Review—Review of ARMIS Reporting Requirements

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is required, in every even-numbered year beginning in 1998, to review its regulations applicable to providers of telecommunications service to determine whether the regulations are no longer in the public interest due to meaningful economic competition between providers of such service and whether such regulations should be repealed or modified. In this Notice of Proposed Rulemaking (''NPRM''), we propose as part of the biennial review to reduce the reporting requirements of our Automated Reporting Management Information System (''ARMIS''). These modifications are designed to minimize the reporting burden on carriers, improve the quality and use of the reported information and reduce the cost to the Commission of collection, verification, and distribution of the data. This Notice invites interested parties to comment on several modifications to the ARMIS ten reports.

DATES: Comments are to be filed on or before August 20, 1998 and reply comments are due on or before September 4, 1998. Written comments