

sampling, and testing equipment; and record storage facilities. However, these costs should not include equipment or services purchased (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices. The 1995 PRA also provides for the solicitation of information required to develop these costs through multiple Federal Register notices. However, the time period available to develop these costs was not sufficient to allow the EPA to solicit the information required. In the absence of actual data, the EPA has judged it is reasonable to consider that these costs are negligible and has indicated this on the OMB Form 83-I with zeros. While there may be some respondents that experience costs, because the emissions from this industry are already fairly well-controlled, the EPA judges that most respondents will already have the required equipment (capital cost), and will have already been incurring the operation and maintenance costs.

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. The EPA is amending 40 CFR Part 9, Section 9.1, to indicate the information collection requirements contained in these final standards.

[FR Doc. 96-26814 Filed 10-17-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5634-6]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Marathon Battery Company site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Marathon Battery Company site from the National Priorities List (NPL). The NPL is 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. EPA and the State of New York have determined that all appropriate Hazardous Substance Response Trust Fund (Fund)-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of New York have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: October 18, 1996.

ADDRESSES: For further information contact: Pamela Tames, P.E., Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, NY 10007-1866, (212) 637-4255

FOR FURTHER INFORMATION CONTACT: Pamela Tames at (212) 637-4255.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Marathon Battery Company site, Cold Spring, New York.

The closing date for comments on the Notice of Intent to Delete was June 10, 1996. EPA received five comment letters.

One commenter expressed concern about the discrepancies between the Agency for Toxic Substances and Disease Registry's (ATSDR's) 20 milligram/kilogram (mg/kg) cadmium cleanup level for residential soils and the New York State Department of Health's (NYSDOH's) 10 mg/kg cadmium cleanup level. In response, it was explained that the 20 mg/kg cleanup level for cadmium in residential soils was based upon the results of a risk assessment performed by ATSDR, which made certain assumptions regarding the quantity of vegetables grown in the cadmium-contaminated residential soils and subsequently ingested by the residents. Using different assumptions, NYSDOH concluded that 10 mg/kg was protective of public health. While EPA and New York State did not agree on a residential soil remediation cleanup level, New York State agreed to remediate all contaminated residential soils between NYSDOH's 10 mg/kg cadmium cleanup level and ATSDR's 20 mg/kg cadmium cleanup level.

Several commenters expressed concern that post-excavation soil samples were not collected by New York State's contractors. In response, it was indicated that six inches of soil were removed from the entire front and back yards (cadmium contamination in the residential yards did not exist below

6 inches) if contamination was found above the State's cleanup level of 10 mg/kg. In those areas where the residents indicated that they intended to plant vegetables, 12 inches of soil was removed. Since soils in those areas that had cadmium contamination exceeding the cleanup level have been removed and replaced with clean soil and fresh sod, confirmatory sampling was not deemed necessary.

A commenter expressed concern about the presence of cadmium contamination twenty-two feet beneath the surface on the former battery facility grounds. This contamination resulted from a tank located adjacent to the former battery facility which had leaked cadmium nitrate, thereby contaminating the underlying soil. In response, it was noted that, while post-excavation sampling in one area of the site showed that some cadmium contamination remained in the saturated soils, it is believed that by placing two feet of limestone at the bottom of the twenty-by-sixty-foot excavation (to keep the cadmium insoluble) and backfilling the twenty foot deep excavation will be protective of public health and the environment and should in no way impact the ability to redevelop the former battery plant grounds.

A commenter expressed concern regarding the retention of the temporary haul road's guardrail and the construction of a barrier at the intersection of the temporary haul road and Chestnut Street, in that these improvements are inconsistent with zoning and Planning Board regulations. In response, it was explained that EPA's approved engineering design called for scarifying the temporary haul road (which was constructed to alleviate truck traffic on the Village's narrow roadways during the remediation of the site), planting grass, and installing a barrier to eliminate access from Chestnut Street. While the haul road was rendered nonfunctional and inaccessible to vehicles from Chestnut Street, the wooden guardrail, consisting of approximately two-foot-high telephone poles with a horizontal wooden rail running through it (which originally was used to prevent trucks from driving off the haul road), was left in place at the request of the property owner to protect hikers from falling from the steep slope. The Village of Cold Spring Planning Board has requested the submission of site plan documentation showing the changes that have been made to his property so that it can review the matter. EPA is working with the property owner and the contractor that performed the

remediation of the site so that this information can be provided to the Planning Board.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 20, 1996.

William J. Muszynski,

Acting Regional Administrator.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321 (c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.: p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.: p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the Marathon Battery Corporation site, Cold Spring, New York.

[FR Doc. 96–26453 Filed 10–17–96; 8:45 am]

BILLING CODE: 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 64 and 68

[CC Docket 96–128; DA 96–1666]

Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final Rule: Correction.

SUMMARY: The Federal Communications Commission (“Commission”) adopted a

Report and Order implementing Section 276 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (“1996 Act”). This correction makes certain technical and typographical corrections to the Report and Order. This correction is issued to accurately reflect the Commission’s intent in implementing Section 276 of the 1996 Act.

EFFECTIVE DATES: The amendments to the heading of subpart M of part 64 and § 64.1301 are effective November 6, 1996. The amendment to § 64.703 is effective December 16, 1996.

FOR FURTHER INFORMATION CONTACT: Michael Carowitz, 202–418–0960, Enforcement Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: On June 4, 1996, the Commission adopted a Notice of Proposed Rulemaking (“NPRM”) [61 FR 33074, June 4, 1996] to implement Section 276 of the Telecommunications Act of 1996. On September 20, 1996, the Commission adopted and released a Report and Order in CC Docket No. 96–128 [61 FR 52307, October 7, 1996]. The Errata makes certain technical and typographical corrections to the Report and Order. The full text of the Errata and Report and Order are available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. The complete text of the Report and Order may also be purchased from the Commission’s duplicating contractor, international Transcription Services, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857–3800. The Report and Order contains new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other federal agencies are invited to comment on the new or modified information collections contained in this proceeding.

Parties must file any petitions for reconsideration of the Report and Order within 30 days from release of that document. The Commission waives the requirements of Section 1.4 of its rules to establish this new date of public notice in light of the deadline established in the 1996 Act to complete this proceeding. Parties may file oppositions to the petitions for reconsideration pursuant to Section 1.106(g) of the rules, except that oppositions to the petitions must be filed within seven (7) days after the date for filing the petitions for reconsideration. The Commission will

not issue a separate notice of any petitions for reconsideration; the Report and Order serves as notice to all interested parties of the due dates for petitions and oppositions. In addition, the Commission waives Section 1.106(h) of the rules and will not accept reply comments in response to oppositions. The Commission concludes that these actions are necessary to complete all Commission action in this proceeding, which involves issues concerning the expedited implementation of the 1996 Act, by the statutory deadline of November 8, 1996. The Commission will consider all relevant and timely petitions and oppositions before final action is taken in this proceeding.

Petitions for reconsideration must comply with Sections 1.106 and 1.49 and all other applicable sections of the Commission’s rules. Petitions also must clearly identify the specific portion of the Report and Order for which relief is sought. If a portion of a party’s arguments does not fall under a particular topic listed in the outline of the Report and Order, such arguments should be included in a clearly labeled section at the beginning or end of the filing. Parties may not file more than a total of ten (10) pages of ex parte submissions, excluding cover letters. This 10 page limit does not include: (1) written ex parte filings made solely to disclose an oral ex parte contact; (2) written material submitted at the time of an oral presentation to Commission staff that provides a brief outline of the presentation; or (3) written material filed in response to direct requests from Commission staff. Ex parte filings in excess of this limit will not be considered as part of the record in this proceeding.

To file a petition for reconsideration in this proceeding parties must file an original and ten copies of all petitions and oppositions. Petitions and oppositions should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. If parties want each Commissioner to have a personal copy of their documents, an original plus fourteen copies must be filed. In addition, participants should submit two additional copies directly to the Common Carrier Bureau, Enforcement Division, Room 6008, 2025 M Street NW, Washington, D.C. 20554. The petitions and oppositions will be available for public inspection during regular business hours in the Dockets Reference Room (Room 230) of the Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554. Copies of the petition and any subsequently filed documents in this