

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6435-3]

Notice of Proposed Cashout Settlement Agreement Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9622(g)(4), Strother Field Industrial Park Superfund Site, Cowley County, Kansas, Docket No. CERCLA-7-99-0028

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Cashout Settlement Agreement. Strother Field Industrial Park Superfund Site, Cowley County, Kansas.

SUMMARY: Notice is hereby given that a proposed cashout settlement agreement regarding the Strother Field Industrial Park Superfund Site, was signed by the United States Environmental Protection Agency (EPA) on July 26, 1999, and approved by the U.S. Department of Justice on August 5, 1999.

DATES: EPA will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed cashout settlement agreement.

ADDRESSES: Comments should be addressed to J.D. Stevens, Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 N. 5th Street, Kansas City, Kansas 66101 and should refer to *Strother Field Industrial Park Superfund Site, Proposed Cashout Settlement Agreement, EPA Docket No. CERCLA-7-99-0028*.

The proposed agreement may be examined or obtained in person or by mail at the office of the United States Environmental Protection Agency, Region VII, 901 N. 5th Street, Kansas City, KS 66101, (913) 551-7322.

SUPPLEMENTARY INFORMATION: The proposed agreement concerns the Strother Field Industrial Park Superfund Site ("Site"), located in Cowley County, Kansas. The property leased by Energy Plus ("Settling Party") constitutes a portion of the property that was formerly occupied and operated by Struthers Thermo-Flood Corporation and is located within the Site boundaries. A Remedial Investigation ("RI") was completed for the Site and the report was issued in May of 1992. The RI concluded that two former drum storage areas and a drum loading area and a drum loading area at the former

Strother Thermo-Flood Corporation property were source areas of hazardous substances released at the Site. The hazardous substances released at the former Struthers Thermo-Flood Corporation property include trichloroethene, dichloroethene and perchloroethene.

The cashout agreement provides for the payment of \$10,000 to the Superfund by Settling Party. The \$10,000 will be applied as reimbursement toward EPA's costs and will allow Settling Party to get a covenant not to sue from EPA and contribution protection. This agreement will constitute a final settlement of the case with respect to Settling Party absent misrepresentations made by Settling Party to EPA or the United States, noncompliance with the agreement, or as otherwise provided in the cashout agreement.

It is estimated that the total costs expended in connection with the Site by both EPA and the responsible parties (EPA will seek to recover from the responsible parties) will exceed \$7.2 million. The estimated costs incurred by the responsible parties include the responsible parties' estimates of the respective amounts they had expended on site cleanup activities. The cleanup of the Site will continue with EPA's continuing enforcement activities against the PRP's that have not been cashed out.

Dated: August 19, 1999.

Dennis Grams,

Regional Administrator, Region VII.

[FR Doc. 99-23584 Filed 9-13-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6437-7]

Notice of Availability of Letters From EPA to the States of Indiana, Michigan and Ohio Pursuant to Section 118 of the Clean Water Act and the Water Quality Guidance for the Great Lakes System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Notice is hereby given of letters written from Region 5 of the Environmental Protection Agency (EPA) to the States of Indiana, Michigan and Ohio finding that certain provisions adopted as part of the States' water quality standards and National Pollutant Discharge Elimination System (NPDES) permits programs are inconsistent with

section 118(c) of the Clean Water Act (CWA) and 40 CFR part 132. EPA's findings are described in letters dated June 30, 1999 and August 16, 1999 to Michigan and Ohio and in a letter dated August 16, 1999 to Indiana. EPA invites public comment on all aspects of those letters, particularly on the findings in the letters and on the course of action that EPA proposes to take if the States fail to adequately address EPA's findings.

DATES: Comments must be received in writing by October 29, 1999.

ADDRESSES: Written comments on EPA's findings as described in the June 30, 1999 and August 16, 1999 letters may be submitted to Joan M. Karnauskas, Chief, Standards and Applied Sciences Branch (WT-15J), Water Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604. In the alternative, EPA will accept comments electronically. Comments should be sent to the following Internet E-mail address: karnauskas.joan@epamail.epa.gov. Electronic comments must be submitted in an ASCII file avoiding the use of special characters and any form of encryption. EPA will print electronic comments in hard-copy paper form for the official administrative record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time) October 29, 1999.

FOR FURTHER INFORMATION CONTACT: Joan M. Karnauskas, Standards and Applied Sciences Branch (WT-15J), Water Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or telephone her at (312) 886-6090.

Copies of the June 30, 1999 and August 16, 1999 letters described above are available upon request by contacting Ms. Karnauskas. Those letters and materials submitted by the States in support of their submission that EPA relied upon in preparing those letters (i.e., the docket) are available for review by appointment at: EPA, Region 5, 77 W Jackson Boulevard, Chicago, Illinois (telephone 312-886-3717); the Indiana Department of Environmental Management, Indiana Government Center North, 100 N. Senate, Indianapolis, Indiana (telephone 317-233-8903); the Michigan Department of Environmental Quality, 300 S. Washington Square, Lansing, Michigan (telephone 517-335-4198); and, the Ohio Environmental Protection Agency, Lazarus Government Center, 122 S.

Front Street, Columbus, Ohio (telephone 614-644-3075). To access the docket material in Chicago, call Ms. Mery Willis at (312) 886-3717 between 8 a.m. and 4:30 p.m. (central time) (Monday-Friday); in Indiana, call Ms. Kari Simonelic at (317) 233-8903 between 8 a.m. and 4:30 p.m. (central time); in Michigan, call Ms. Brenda Sayles at (517) 335-4198 between 8 a.m. and 4:30 p.m. (eastern time); and, in Ohio, call Mr. Robert Heitzman at (614) 644-3075 between 8 a.m. and 4:30 p.m. (eastern time).

SUPPLEMENTARY INFORMATION: On March 23, 1995, EPA published the Final Water Quality Guidance for the Great Lakes System (Guidance) pursuant to section 118(c)(2) of the Clean Water Act, 33 U.S.C. 1268(c)(2). (March 23, 1995, 60 FR 15366). The Guidance, which was codified at 40 CFR part 132, requires the Great Lakes States to adopt and submit to EPA for approval water quality criteria, methodologies, policies and procedures that are consistent with the Guidance. 40 CFR 132.4 and 132.5. EPA is required to approve of the State's submission within 90 days or notify the State that EPA has determined that all or part of the submission is inconsistent with the Clean Water Act or the Guidance and identify any necessary changes to obtain EPA approval. If the State fails to make the necessary changes within 90 days, EPA must publish a document in the **Federal Register** identifying the approved and disapproved elements of the submission and a final rule identifying the provisions of part 132 that shall apply for discharges within the State.

EPA reviewed the submittals from Indiana, Michigan and Ohio for consistency with the Guidance in accordance with 40 CFR 131 and 132.5. EPA determined that certain parts of each submittal are inconsistent with the requirements of the CWA or 40 CFR part 132 and will be subject to EPA disapproval if not corrected. On June 30, 1999 and August 16, 1999, in letters from EPA Region 5 to the Indiana Department of Environmental Management, the Michigan Department of Environmental Quality and the Ohio Environmental Protection Agency, EPA described in detail those provisions determined to be inconsistent with the Guidance and subject to disapproval if not remedied by the State. The inconsistencies relate to the following components of the State's submittals in conformance with section 118(c) of the CWA and 40 CFR part 132: in Indiana, variances, the procedures for evaluating the need for permit limits on specific chemicals, and the procedures for evaluating the need for limits on whole effluent toxicity; in Michigan, the procedures for evaluating the need for limits on whole effluent toxicity; and, in Ohio, the biocriteria narrative provisions and the procedures for evaluating the need for limits on whole effluent toxicity. Based on our review to date, EPA believes that, with the above exceptions, the submissions by these States are consistent with the Guidance. Today, EPA is soliciting public comment regarding all aspects of those letters. In particular, EPA solicits comments on the provisions identified in the June 30, 1999 and August 16, 1999 letters as being inconsistent with

the CWA and the Guidance, on EPA's proposed course of action if a State fails to remedy those inconsistencies, and on EPA's belief that the remainder of the States' submissions are consistent with the Guidance.

During the next 90 days, EPA intends to continue working with Indiana, Michigan and Ohio to address the inconsistencies identified in the June 30, 1999 and August 16, 1999 letters. If a State fails to remedy any of the inconsistencies identified in the letter, EPA will publish a notice in the **Federal Register** identifying the disapproved elements and the corresponding portions of part 132 that will apply to waters within the Great Lakes Basin in each of the States.

Dated: September 3, 1999.

Francis X. Lyons,

Regional Administrator, Region 5.

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FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

September 8, 1999.

FCC TO HOLD OPEN COMMISSION MEETING: Wednesday, September 15, 1999.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, September 15, 1999, which is scheduled to commence at 9:30 a.m. in Room TW-C305, at 445 12th Street, S. W., Washington, D.C.

Item No.	Bureau	Subject
1	Common Carrier	Title: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (CC Docket No. 96-98). Summary: The Commission will consider a Memorandum Opinion and Order concerning unbundled network elements pursuant to Section 251(c)(3) of the Communications Act.
2	International	Title: Direct Access to the INTELSAT System (IB Docket No. 98-192, File No. 60-SAT-ISP-97). Summary: The Commission will consider a Report and Order concerning direct access to the INTELSAT system.
3	International	Title: Lockheed Martin Corporation Regulat, LLC and Comsat Corporation; Application for Transfer of Control of COMSAT Government Systems, Inc., Holder of an International Section 214 Authorization and Earth Station Licenses E960186 and E960187 (File Nos. SE5-T/C/-19981016-01388(2)ITC-T/C-19981016-00715); and Lockheed Martin Corporation/ Regulat, LLC; and Application for authority to Purchase and Hold Shares of Stock in COMSAT Corporation (File No. SAT-ISP-19981016-00072). Summary: The Commission will consider a Memorandum, Order and Authorization concerning applications for transfer of control of a subsidiary of Comsat Corporation to Lockheed Martin Corporation and for authority for Lockheed Martin Corporation to acquire up to 49 percent of Comsat's stock.