

(iv) Is for payment for the provision of property or services which the person has not provided as claimed

Shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than \$5,500 for each such claim.

* * * * *

(b) Statements. (1) Any person who makes, presents, or submits, or causes to be made, presented, or submitted, a written statement that—

(i) The person knows or has reason to know—

(A) Asserts a material fact which is false, fictitious, or fraudulent; or

(B) Is false, fictitious, or fraudulent because it omits a material fact that the person making, presenting or submitting such statement had a duty to include in such statement; and

(ii) Contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement.

Shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than \$5,500 for each such statement.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 96-27348 Filed 10-28-96; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5640-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of partial deletion of the Com Bay, near Shore/Tide Flats Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces the deletion of portions of the Com Bay, Near Shore/Tide Flats (CB/NT)

Superfund Site, located in Tacoma, Pierce County from the National Priorities List (NPL). The NPL constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA, in consultation with the State of Washington Department of Ecology and the Puyallup Tribe of Indians, has determined that the deleted portions of the site pose no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not necessary.

EFFECTIVE DATE: October 29, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Allison Hiltner, Remedial Project Manager, U.S. EPA, Region 10 (ECL-116), 1200 Sixth Avenue, Seattle, Washington, 98101, (206) 553-2140.

SUPPLEMENTARY INFORMATION: The site to be partially deleted from the NPL is: Com Bay, Near Shore/Tide Flats Site, located in Tacoma (Pierce County), Washington.

This partial deletion pertains only to the sediments contained in and upland properties draining only to the St. Paul or Blair Waterways, and to four properties which were transferred to the Puyallup Tribe of Indians under the Puyallup Land Settlement Act of 1989 ("Puyallup Land Settlement Properties"). The four deleted Puyallup Land Settlement Properties are the: Taylor Way Property, the East-West Road Property, the Blair Waterway Property, and the portion of the Blair Backup Property that drains only to the Blair Waterway. A map showing the deleted areas is provided in the Notice of Intent for Partial Deletion, 61 FR 44269 (August 28, 1996).

This Partial Deletion is in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60 FR 55466 (Nov. 1, 1995). A Notice of Intent for Partial Deletion was published on August 28, 1996 (61 FR 44269). The closing date for comments on the Notice of Intent for Partial Deletion was September 27, 1996. EPA

received two comment letters, both of which supported the partial deletion.

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 these sites. Sites on the NPL may be the subject of Hazardous Substances Response Trust Fund-financed remedial actions. Any site, or portion of a 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 300.425 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 Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

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

Dated: October 16, 1996.

Approved by:

Jane S. Moore,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 10.

For the reasons set out in the preamble, 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 revising the heading for the table; the heading for the 4th column; the first note at the end of the table; and the entry for Com Bay, Near Shore/Tide Flats, Pierce County, Washington and by adding the heading "Notes" at the end of the table before the first note and a new note P to read as follows:

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes
* * * * *	* * * * *	* * * * *	* * * * *
WA	Com Bay, Near Shore/Tide Flats	Pierce County	P.

TABLE 1.—GENERAL SUPERFUND SECTION—Continued

State	Site name	City/county	Notes
*	*	*	*
A=Based on issuance of a health advisor by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be > 28.50).			
P=Sites with partial deletion(s).			

3. Table 2 of Appendix B to part 300 is amended by revising the table heading, the first note at the end of the table and by revising the heading in the 4th column to read "Notes" and by adding the heading "Notes" at the end of the table before the first note and a new note P to read as follows:

TABLE 2.—FEDERAL FACILITIES SECTION

*	*	*	*	*
A=Based on issuance of a health advisor by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be > 28.50).				
P=Sites with partial deletion(s).				

[FR Doc. 96-27480 Filed 10-28-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-129; RM-8814]

Radio Broadcasting Services; Tehachapi, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 261A to Tehachapi, California, as that community's second local FM service, in response to a petition for rule making filed on behalf of Tehachapi Broadcasting. See 61 FR 31083, June 19, 1996. Tehachapi is located within 320 kilometers (199 miles) of the United States-Mexico border and therefore, concurrence of the Mexican government in this proposal was obtained. Coordinates used for Channel 261A at Tehachapi are North Latitude 35-13-04 and West Longitude 118-20-37. With this action, the proceeding is terminated.

DATES: Effective December 2, 1996. The window period for filing applications for Channel 261A at Tehachapi, California, will open on December 2, 1996, and close on January 2, 1997.

FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 261A at Tehachapi, California, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-129, adopted October 11, 1996, and released October 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 261A at Tehachapi.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-27685 Filed 10-28-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-140; RM-8824]

Radio Broadcasting Services; Hemphill, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Phillip Burr, allots Channel 280A at Hemphill, Texas, as the community's first local FM service. See 61 FR 34785, July 3, 1996. Channel 280A can be allotted to Hemphill in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.2 kilometers (1.4 miles) north in order to avoid a short-spacing conflict with the licensed site of Station KBIU(FM), Channel 279C1, Lake Charles, Louisiana. The coordinates for Channel 280A at Hemphill are 31-21-30 and 93-51-24. With this action, this proceeding is terminated.

DATES: Effective December 2, 1996. The window period for filing applications will open on December 2, 1996, and close on January 2, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-140, adopted October 11, 1996, and released October 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Hemphill, Channel 280A.