

pesticide products for application-related activities. EPA will not consider the substitution of a part 84 for a part 11 respirator a misuse. Furthermore, EPA requires pesticide handlers, applicators, and users to comply with all the requirements of 40 CFR 170.240 regardless of whether the respirator is part 11 or part 84.

## VI. Conclusion

EPA recognizes that part 84 respirators offer applicators equivalent levels of respiratory protection, and the supply of part 11 respirators will be exhausted in the next 1 to 3 years. EPA also recognizes that pesticide handlers must have an adequate supply of respirators that provide adequate respiratory protection during application. Effective immediately, EPA will not find misuse violations against applicators who use either part 11 or part 84 respirators to satisfy existing product labels that require part 11 respirators.

## VII. Regulatory Assessment Requirements

This action does not impose any requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). For the same reason, it does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). In addition, since this type of action does not require any proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

## VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, as that term is defined in 5 U.S.C. 804(3).

## List of Subjects in Part 156

Environmental protection, Labeling, Occupational safety and health, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 24, 1998.

**Jesse Baskerville,**

*Director, Toxics and Pesticides Enforcement Division, Office of Regulatory Enforcement and Policy Assurance.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6009-2]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Pomona Oaks Residential Wells site and the Vineland State School site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Pomona Oaks Well Contamination Site in Pomona, New Jersey and the Vineland State School Site in Vineland, New Jersey from the National Priorities List (NPL).

The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended. EPA and the State of New Jersey have determined that the sites pose no significant threat to public health or the environment and, therefore, no remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: May 7, 1998.

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

ADDRESSES: Comprehensive information about the Pomona Oaks Site is available for viewing at the Administrative Record Repository located at Galloway Township Municipal Building, 300 East Jimmie Leeds Road, Absecon, New Jersey 08201, Attn: Mr. Andrew Katz, Township Manager.

Comprehensive information about the Vineland State School (Developmental Center) Site is available for viewing at the Administrative Record Repository located at Vineland City Library, 1058 East Landis Ave., Vineland, New Jersey 08360, Attn: Mr. Anthony Agnesino, Reference Director.

SUPPLEMENTARY INFORMATION: The sites to be deleted from the NPL are: Pomona Oaks Well Contamination, Pomona, New Jersey and the Vineland State School (Developmental Center), Vineland, New Jersey.

A Notice of Intent to Delete was published on July 15, 1996 (61 FR 36858). The closing date for comments on the Notice of Intent to Delete was August 14, 1996. There were no comments received for the Vineland State School Site; therefore, no responsiveness summary was prepared. EPA received two letters from residents of the Pomona Oaks subdivision. Both of the residents asked that EPA reconsider the deletion of the Pomona Oaks Site based on their belief that the source of the groundwater contamination has not been cleaned up and the once suspected underground gas tanks are still in the ground. They also inquired about additional testing of groundwater. EPA never positively identified the source of the groundwater contamination when the problems were discovered in 1982. Comprehensive sampling conducted as part of the Remedial Investigation in 1988 and afterwards demonstrated that the contamination was due to a singular event and had dispersed over time through natural attenuation and/or biodegradation. EPA concluded there was no ongoing source of contamination in the subdivision based on sampling conducted in 1990 and 1992.

The commentors expressed concerns about the health effects from the exposure to chemicals in their drinking water. EPA, the Agency for Toxic Substances and Disease Registry (ATSDR) as well as the state and local health departments were involved in assessing the health effects due to exposure to benzene in 1982. No acute effects were noted during the 1982 to 1985 period and no long-term health effects have been reported.

Finally, the residents asked that the site remain under investigation. Long-term groundwater monitoring was included as part of the No Action Record of Decision.

EPA provided detailed responses to these comments in a Responsiveness Summary, which is contained in the Deletion Docket. The Responsiveness Summary and entries in the Deletion

Docket may be reviewed at the EPA Region II office at 290 Broadway, New York, N.Y. or at the information repositories listed above.

The EPA identifies sites that 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 Hazardous Substance Response Trust Fund financed remedial actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites in the unlikely event that conditions at the site warrant such action. 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, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, and Water supply.

Dated: April 20, 1998.

**Jeanne Fox,**

*Regional Administrator, Region II.*

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 02923; 3 CFR, 1987 Comp., p 193.

#### Table 1 to Appendix B [Amended]

2. Table 1 of appendix B to part 300 is amended by removing the sites Pomona Oaks Residential Wells, Galloway Township, New Jersey and Vineland State School, Vineland, New Jersey.

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 68

[CC Docket No. 96-28; FCC 97-270]

#### Connection of Customer-Provided Terminal Equipment to the Telephone Network

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** The FCC published in the **Federal Register** of November 19, 1997 (62 FR 61649), final rules to Part 68 of Title 47, *Code of Federal Regulations*. Those rules govern the terms and conditions under which customer-provided terminal equipment may be connected to the telephone network without causing harm to the public switched network. This document corrects the typographical errors and omissions found in that document.

**EFFECTIVE DATE:** May 7, 1998.

**FOR FURTHER INFORMATION CONTACT:** William Howden, (202) 418-2343 or e-mail at [whowden@fcc.gov](mailto:whowden@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

#### Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

In rule FR Doc. 97-29925, published on November 19, 1997, (62 FR 61649) make the following corrections:

1. On page 61654, paragraph 31, in the first column, correct the effective date to read April 20, 1998.

#### § 68.2 [Corrected]

2. On page 61654, in § 68.2, first column, last line insert a comma “,” between the words “lines” and “automatic”.

3. On page 61654, amendatory instruction two, column one, lines 3 and 4, are corrected to read “and adding new paragraphs (d)(4) and (j)(3):”.

3a. On page 61654, column 2, following the second line of asterisks the “(j)” is corrected to “(j) \*\*\* (3)”.

4. On page 61654, in newly redesignated paragraph (j)(3), correct the date “April 20, 1997” to read “April 20, 1998”.

#### § 68.3 [Corrected]

5. On page 61654, in the instruction to § 68.3, second column, after “in the definition for Tie Trunk Transmission Interfaces, by removing paragraph (c)” add the following instruction “and redesignate paragraphs (d), (e) and (f) as (c), (d) and (e)”.

6. On page 61657, in § 68.3 remove “Figure 68.3(f)”, and add in its place the revised “Figure 68.3(f)” as follows:

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