

(iii) The remedial investigation has shown that the release of hazardous substances poses no significant threat to human health or the environment and, therefore, taking of remedial measures is not appropriate.

Deletion of a site from the National Priorities List does not preclude eligibility for subsequent Fund-financed actions at the Site if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the National Priorities List. Further, deletion of a site from the National Priorities List does not affect the liability of responsible parties or impede Agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

The following procedures were used for the intended deletion of the Site :

(1) EPA Region II issued a Record of Decision on September 27, 1993 describing the selected remedy for the Site, which was a no action response;

(2) The State of New Jersey has concurred with the deletion by a letter dated June 30, 1997;

(3) A notice has been published in a local newspaper and has been distributed to appropriate federal, state and local officials, and other interested parties announcing a thirty-day public comment period on the proposed deletion; and

(4) EPA has made all relevant documents available in the information repositories listed previously.

Deletion of a site from the National Priorities List does not itself create, alter, or revoke any person's rights or obligations. The National Priorities List is designed primarily for informational purposes and to assist Agency management.

For deletion of a Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, Region II will prepare a Responsiveness Summary to address any significant public comments received. A deletion occurs when the Regional Administrator places a final Notice of Deletion in the **Federal Register**.

IV. Basis for Intended Site Deletion

The following provides EPA's rationale for deletion of the Site.

Background

The Lodi Municipal Well, also known as the Home Place Well, is located in the Borough of Lodi, Bergen County, New Jersey. The Home Place Well was

one of eleven wells used in the past by the Lodi Water Department. The Lodi Municipal Well site was placed on the National Priorities List primarily due to radiological contamination of groundwater. No radiological contaminants were detected in any of the other wells above federal water quality standards. The Lodi Municipal well was closed in December 1993.

After performing extensive field investigations, EPA has determined that the radiological contamination at the Site is naturally occurring. As described below, EPA is not authorized to respond to such naturally occurring conditions.

Section 104(a)(3) of CERCLA prevents a removal or remedial action in response to a release or threat of release of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found. A response can only be authorized if the presence of the naturally occurring substance constitutes a human health or environmental emergency and no other entity will respond in a timely manner. Since, radionuclides present at the Lodi Municipal Well site have been determined to be naturally occurring, and the well is no longer utilized for water supply purposes, an emergency does not exist. Water for the Borough is currently being supplied by the Hackensack Water Company and the Passaic Valley Water Commission.

EPA and NJDEP have determined that all appropriate responses under CERCLA at the Site have been completed, and that no further activities are necessary. Consequently, EPA is proposing deletion of this Site from the National Priorities List. Documents supporting this action are available in the docket.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: September 12, 1998.

William J. Muszynski,

Acting Regional Administrator, Region II.

[FR Doc. 98-27921 Filed 10-19-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6177-3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent for partial deletion of the Hill Property portion of the American Cyanamid Superfund site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA) Region II Office announces its intent to delete the Hill Property (HP) portion of the American Cyanamid Superfund Site from the National Priorities List and requests public comment on this action. The National Priorities List 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. section 9601 *et seq.* EPA and the State of New Jersey have determined that all appropriate response actions under CERCLA have been implemented at the HP portion of the site to protect human health, welfare and the environment. This partial deletion pertains only to the HP portion of the American Cyanamid Site and does not include the other portions of the American Cyanamid Site.

DATES: The EPA will accept comments concerning its proposal for partial deletion on or before November 19, 1998.

ADDRESSES: Comments may be mailed to: Mr. Jeff Catanzarita, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, NY 10007-1866.

Comprehensive information on the American Cyanamid Site as well as information specific to the partial deletion of the HP portion of the American Cyanamid Superfund Site is contained in the Administrative Record and is available for viewing, by appointment only, at: U.S. EPA Records Center, 290 Broadway—18th Floor, New York, New York 10007-1866, Hours: 9:00 a.m. to 5:00 p.m.—Monday through Friday, Contact: Superfund Records Center, (212) 637-4308.

Information on the site is also available for viewing at the Information Repositories which are located at: Bridgewater Town Hall, 700 Garretson Road, Bridgewater, New Jersey 08807, (908) 725-6300.

Somerset County/Bridgewater Library, North Bridge Street & Vogt Drive, Bridgewater, New Jersey 08807, (908) 526-4016.

New Jersey Department of Environmental Protection and Energy, The Bureau of Community Relations, 401 East State Street, CN 413, Trenton, New Jersey 08625, (609) 984-3081.

FOR FURTHER INFORMATION CONTACT: Jeff Catanzarita, Remedial Project Manager, (212) 637-4409.

SUPPLEMENTARY INFORMATION:

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- IV. Basis for Intended Partial Site Deletion

I. Introduction

EPA Region II announces its intent to delete the HP portion of the American Cyanamid Site located in Bridgewater, Somerset County, New Jersey from the National Priorities List and requests public comment on this action. The National Priorities List constitutes Appendix B to the NCP, 40 CFR part 300, which EPA promulgated pursuant to section 105 of the CERCLA, as amended. This proposal for partial deletion pertains to the HP portion of the American Cyanamid Site.

The American Cyanamid Site is located in Bound Brook, New Jersey in the southeastern section of Bridgewater Township, Somerset County. The HP is a distinct area found north of the main site and separated from it by New Jersey Transit rail road tracks. The HP portion is bounded to the south by the New Jersey Transit rail road tracks, to the east by Interstate Highway 287, to the north by Route 28 (Union Avenue), and to the west by Foothill Road. The HP is designated on the tax map as Block 7101—Lots 1 and 2, Block 7207—All Lots, Block 7208—All Lots, Block 7209—All Lots except 14, 16, 18, 20, 21, 23 and 24, Block 7210—All Lots except 5, 7, 9, 11, 13 and 15 and Block 7211—All Lots. The HP is approximately 140 acres in size.

The HP portion is planned to be used for commercial development in the future (e.g., minor league baseball stadium, retail stores and restaurants). Hence, deleting the HP portion of the site off the National Priorities List will provide an incentive to the redevelopment of this property.

On July 12, 1996, the New Jersey Department of Environmental Protection (NJDEP) issued a Record of Decision declaring no further action was required for the soils at the HP portion of the American Cyanamid Site. This partial deletion does not include any portion of the main site located south of the railroad tracks, nor the ground water extending under the HP portion. The residual bedrock ground water contamination under the HP portion is now being recovered at the Main Plant Area.

A Groundwater Classification Exception Area and Use Restrictions have been established to restrict the ground water use until the residual ground water contamination is removed. Ground water contamination under the HP portion remain part of the Superfund site's original clean up goals and will be addressed as part of the groundwater remedies for the American Cyanamid Site.

The National Priorities List is a list maintained by EPA of sites that EPA has determined present a significant risk to human health, welfare, or the environment. Sites on the National Priorities List may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the National Priorities List remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning its intent for partial deletion for thirty (30) days after publication of this document in the **Federal Register** and a newspaper of record.

II. National Priorities List Deletion Criteria

Section 300.425 (e) (1) (i)–(iii) of the NCP provides that sites may be deleted from the National Priorities List where no further response is appropriate. In making this determination, EPA in consultation with the State of New Jersey shall consider whether any of the following criteria have been met:

- (i) Responsible or other parties have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further cleanup by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release of hazardous substances poses no significant threat to human health or the environment and therefore, taking remedial measures is not appropriate.

Deletion of a portion of a site from the National Priorities List does not preclude eligibility for subsequent Fund-financed actions at the portion deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the National Priorities List. In addition, a partial deletion of a site from the National Priorities List does not affect or impede EPA's ability to conduct CERCLA response activities at areas not deleted and remaining on the National Priorities List. Further, deletion of a portion of a site from the National Priorities List does not affect the liability of responsible parties or impede Agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

The following procedures were used for the intended deletion of the HP portion of the American Cyanamid Superfund Site:

(1) NJDEP issued a Record of Decision on July 12, 1996 covering the HP portion of the American Cyanamid Site. The Record of Decision pronounced that the soils, buildings and other improvements to the HP portion, excluding ground water under the HP portion require no further response actions;

(2) The State of New Jersey is the lead agency for the American Cyanamid Site. They recommended the partial deletion by a letter dated May 21, 1998;

(3) A notice has been published in a local newspaper and has been distributed to appropriate federal, state and local officials, and other interested parties announcing a thirty-day public comment period on the proposed deletion; and

(4) EPA has made all relevant documents available in the information repositories listed previously.

Deletion of a portion of a site from the National Priorities List does not itself create, alter, or revoke any person's rights or obligations. The National Priorities List is designed primarily for informational purposes and to assist Agency management.

For deletion of the HP portion of the Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, Region II will prepare a Responsiveness Summary to address any significant public comments received. A deletion occurs when the Regional Administrator places a final Notice of Partial Deletion in the **Federal Register**.

IV. Basis for Intended Partial Site Deletion

The following provides EPA's and NJDEP's rationale for deletion of the HP portion of the American Cyanamid Site.

Background

American Home Products Corporation purchased the American Cyanamid Company in December 1994 and has an Administrative Consent Order with the NJDEP to address on going environmental remediation at the site. The main site includes many areas of severe contamination. The final remediation of this site involves significant remedial work over many years. NJDEP and EPA do not believe that this partial deletion will interfere with the overall site clean up, including the ground water under the HP portion of the site.

The HP is physically separated from the main site. The HP portion consisted of a research laboratory, boiler building and administrative buildings. The March 1991 HP portion Remedial Investigation Report found contaminant levels in soils below the applicable NJDEP Soil Cleanup Criteria (both residential and non-residential) and/or background and/or impact to groundwater criteria. Hence, the HP portion poses no significant threat to human health or the environment and therefore, additional remedial measures are not appropriate.

This was concluded on July 12, 1996, with a no further action Record of Decision issued by the NJDEP for the HP portion of the site. The Record of Decision includes provisions for a Classification Exception Area covering the ground water beneath the HP portion and groundwater monitoring. This partial deletion does not include the groundwater portion of the site including ground water under the HP portion.

While EPA and NJDEP do not believe that any future response actions at the HP portion will be needed, if future conditions warrant such action, the HP portion remains eligible for future Fund-financed response actions. Furthermore, this partial deletion does not alter the status the main American Cyanamid Site, which is not proposed for deletion and remains on the National Priorities List.

NJDEP and EPA have determined that the soils at the HP portion do not pose a significant threat to human health or the environment and therefore taking remedial measures is not appropriate. Therefore, EPA makes this proposal to delete the HP portion of the American Cyanamid Site from the National Priorities List.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: September 28, 1998.

William J. Muszynski,
Acting Regional Administrator,
Region II.

[FR Doc. 98-27920 Filed 10-19-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 65

[CC Docket No. 98-166; FCC 98-222]

Prescribing the Authorized Unitary Rate of Return for Interstate Services of Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document initiates a proceeding to represcribe the authorized rate of return for interstate access services provided by incumbent local exchange carriers (ILECs). In this proceeding the Commission revised the rules governing procedures and methodologies for prescribing and enforcing the rate of return for ILECs not subject to the price cap regulation.

In the Notice of Proposed Rulemaking (NPRM) the Commission proposes corrections to errors in the codified formulas for the cost of debt and cost of preferred stock and seek comment on whether this proceeding warrants a change in the low-end formula adjustment for local exchange carriers subject to price caps.

DATES: Comments are due December 3, 1998 and reply comments are due February 1, 1999.

ADDRESSES: Parties should send comments or reply comments to office of the Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554.

Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to Warren Firschein of the Common Carrier Bureau's Accounting Safeguards Division, 2000 L Street, N.W., Room 257, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect

5.1 for Windows or compatible software. Spreadsheets should be saved in an Excel 4.0 format. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the docket number in this case [CC Docket No. 98-166]), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036.

Additional filing information can be found in the Comment Filing Procedure section of this document.

FOR FURTHER INFORMATION CONTACT:

Warren Firschein, Accounting Safeguards Division, Common Carrier Bureau, (202) 418-0844.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice Initiating a Prescription Proceeding and Notice of Proposed Rulemaking, CC Docket 98-166, adopted September 8, 1998, and released October 5, 1998. The full text of this Notice Initiating a Prescription Proceeding and Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Public Reference Room (Room 230), 1919 M St., N.W. Washington, D.C. The complete text of this document may also be purchased from the Commission's copy contractor International Transcription Service, 1231 20th Street, N.W., Washington, D.C. 20036.

Summary of the Notice Initiating a Rate-of-Return Prescription

1. The Commission is required by section 201 of the Communications Act of 1934 to ensure that rates are "just and reasonable." To ensure that their rates for interstate access are just and reasonable, the Commission prescribes an authorized rate of return for the approximately 1300 incumbent local exchange carriers (ILECs) that are subject to rate-of-return rather than price cap regulation. This Notice initiates a proceeding to represcribe the authorized rate of return for interstate access services provided by ILECs. In this Notice, we seek comment on the methods by which we could calculate the ILECs' cost of capital.