

(2) A person who has had substantial prior involvement in a particular case referred to the Board may not be appointed to serve on the Board for that particular case unless the General Counsel determines that the individual's inclusion on the Board is otherwise necessary or practicably unavoidable.

(3) The Associate Director of the Bureau of Educational and Cultural Affairs, or his or her designee, shall serve as Board Chairman. No designee under this paragraph (g)(3) shall serve for more than 2 years.

(4) Cases will be referred to the Board at the discretion of the Branch Chief, Waiver Review Branch, of the Agency's office of Exchange Visitor Program Services. The Waiver Review Branch shall prepare a summary of the particular case referred and forward it along with a copy of the relevant file to the Board Chairman. The Chief, Waiver Review Branch, or his or her designee, may, at the Chairman's discretion, appear and present facts related to the case but shall not participate in Board deliberations.

(5) The Chairman of the Board shall be responsible for convening the Board and distributing all necessary information to its members. Upon being convened, the Board shall review the case file and weigh the request against the program, policy, and foreign relations aspects of the case.

(6) At the conclusion of its review of the case, the Board shall make a written recommendation either to grant or to deny the waiver application. The written recommendation of a majority of the Board shall constitute the recommendation of the Board. Such recommendation shall be promptly transmitted by the Chairman to the Branch Chief, Waiver Review Branch.

(7) The recommendation of the Board in any case reviewed by it shall constitute the recommendation of the Agency and such recommendation shall be forwarded to the Commissioner by the Branch Chief, Waiver Review Branch.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 35, 270, and 271

[FRL-5606-8]

Authorization of Indian Tribe's Hazardous Waste Programs Under RCRA Subtitle C; Proposed Rule; Notice of Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule: notice of reopening of comment period.

SUMMARY: Since publication of the proposed rule for Authorization of Indian Tribe's Hazardous Waste Programs Under RCRA Subtitle C (61 FR 30471 (June 14, 1996)), EPA has received requests to extend the comment period. The Agency has reopened the comment period 30 days to September 12, 1996.

DATES: The comment period on the proposed rule for Authorization of Indian Tribe's Hazardous Waste Programs Under RCRA Subtitle C (61 FR 30471) is reopened from August 13, 1996 to September 12, 1996.

ADDRESSES: Commenters on the Subtitle C Indian Authorization Rule proposal must send an original and two copies of their comments referencing Docket Number F-96-AITP-FFFFF to: (1) If using regular US Postal Service mail: RCRA Docket Information Center, Office of Solid Waste (5305W), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW., Washington, DC 20460, or (2) if using special delivery, such as overnight express service: RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. For other information regarding submitting comments electronically or viewing the comments received and supporting information, please refer to the proposed rule (61 FR 30471 (June 14, 1996)). The RCRA Information Center is located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia, and is open for public inspection and copying of supporting information for RCRA rules from 9 am to 4 pm, Monday through Friday, except for Federal holidays. The public must make an appointment to view docket materials by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Hotline at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). The RCRA Hotline is open Monday-Friday, 9 a.m. to 6 p.m., Eastern Standard Time. For more detailed information on specific aspects of the Subtitle C Indian Authorization rulemaking, contact Felicia Wright, Office of Solid Waste (5303W), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, phone (703) 308-8634 (or email: wright.felicia@epamail.epa.gov).

SUPPLEMENTARY INFORMATION: On June 14, 1996, EPA proposed Authorization of Indian Tribe's Hazardous Waste Programs Under RCRA Subtitle C. See 61 FR 30471. The Agency established a 60-day comment period and indicated that comments on the proposal would be accepted until August 13, 1996.

EPA received a written request to extend the comment period for the Subtitle C Indian Authorization proposal from the Navajo Nation and Morgan, Lewis & Bockius LLP on behalf of the FMC Corporation (FMC). The additional time requested was 30 days.

As justification for a time extension, the Navajo Nation pointed out that they need additional time to meet with the hazardous waste generator industries located on the Navajo Nation reservation to inform them of the proposed rule, and of the Navajo's plans to apply for authorization under a final rule. The extension will provide the Navajo Nation with adequate time to set up public meetings with the industries so that all parties may discuss the potential situation with the Navajo Nation and develop comments on the proposed rule to EPA. Similarly, FMC requested a time extension to better address the proposed rule in light of the complex legal issues relating to Indian Tribes.

The Agency has decided to grant an additional 30 days beyond the proposed 60-day comment period to allow stakeholders enough time to review the provisions of the rulemaking and to formulate comments and recommendations for the Agency's consideration in developing the final rule. The Agency believes that 90 days allows for sufficient time for commenters to analyze legal considerations, evaluate the proposal, and coordinate comments with others.

Dated: August 29, 1996.

Elliott P. Laws,

Assistant Administrator for the Office of Solid Waste and Emergency Response.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5606-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent for Partial Deletion of the Harbor Island Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the Lockheed Shipyard portion of the Harbor Island Superfund Site, known as Operable Unit (OU) No. 3, located in Seattle (King County), Washington, from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B to 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). This partial deletion of the Harbor Island site is proposed in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the NPL, published in the Federal Register on November 1, 1995 at (60 FR 55466).

This proposal for partial deletion pertains to OU No. 3, which is defined as the Lockheed Shipyard facility, located in the Harbor Island site. EPA bases its proposal to delete OU No. 3 on the determination by EPA and the State of Washington Department of Ecology (Ecology) that all appropriate actions under CERCLA have been implemented to protect health, welfare, and the environment at OU No. 3.

This partial deletion pertains only to OU No. 3 of the Harbor Island site. Response activities at OU Nos. 1, 2, 4, and 5 of this Site are not yet complete and these OUs will remain on the National Priorities List and are not subject of this partial deletion.

DATES: EPA will accept comments concerning its proposal for partial deletion for thirty days (30) after publication of this document in the

Federal Register and a newspaper of record.

ADDRESSES: Comments may be mailed to: Mr. Keith Rose, Remedial Project Manager, U. S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: ECL-111, Seattle, Washington 98101.

Comprehensive information on the Harbor Island site as well as information specific to this proposed partial deletion is available for review at the Harbor Island information repository at the following location: U.S. Environmental Protection Agency, Region 10, Environmental Cleanup Office Records Center, 1200 Sixth Avenue, Seattle, Washington 98101. Attn: Lynn Williams.

FOR FURTHER INFORMATION CONTACT: Keith Rose, U.S. EPA, 1200 Sixth Avenue, Mail Stop: ECL-111, Seattle, Washington 98101, (206) 553-7721.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

II. NPL Deletion Criteria

III. Deletion Procedures

IV. Basis of Intended Partial Site Deletion

I. Introduction

The United States Environmental Protection Agency (EPA) Region 10 announces its intent to delete a portion of the Harbor Island site (Site) from the NPL, Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this proposal. Sites listed on the NPL are those which present a significant risk to human health or the environment. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions.

This proposal for partial deletion pertains to OU No. 3, which consists of the Lockheed Shipyard in the Harbor Island site. OU No. 3 is located at 2929 16th Avenue Southwest, and is bounded on the north by the ARCO petroleum storage tank facility, on the east by 16th Avenue Southwest, on the south by the Fisher Mills facility, and on the west by the West Waterway of the Duwamish River.

Lockheed Martin, the Potentially Responsible Party for OU No. 3, completed a Remedial Investigation and feasibility study for this OU. EPA conducted a risk assessment of OU No. 3 as part of a Site-wide risk assessment conducted during the Site-wide Remedial Investigation. On June 28, 1994, EPA issued a Record of Decision (ROD) for OU No. 3. In September 1995,

Lockheed Martin completed the remedial action selected in the ROD. EPA proposes to delete OU No. 3 because all appropriate CERCLA response activities have been completed in this OU. Response activities at OU Nos. 1, 2, 4, and 5 of this Site are not yet complete and these OUs will remain on the NPL and are not subject of this partial deletion.

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

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Lockheed Shipyard OU and explains how this OU meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites, where a release of hazardous substances have occurred, may be deleted from, or recategorized on the NPL, where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed response under CERCLA have been implemented, and no further action by responsible parties is appropriate, or

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

Deletion of a portion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions at the area 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 NPL. A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities at areas not deleted and remaining on the NPL. In addition, deletion of a portion of a site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

Deletion of a portion of a site from the NPL does not itself create, alter, or