

confirmation sampling was performed at depth. Clean cover was placed as backfill at depths of 6 inches to 25 inches depending upon location and these areas were hydroseeded (vegetated) to prevent erosion. Additional confirmation activity-based sampling was conducted in summer of 2012 to confirm effectiveness of remedy. The OU2 post-construction risk assessment (October 2015) and the site-wide risk assessment (November 2015) both confirmed that the remedy at OU2 is protective. As part of the AOC agreement with Grace, the Kootenai Development Company (a subsidiary of Grace) placed an environmental covenant on its property in OU2 on July 28, 2014 that meets the IC objectives above. All remedial components described in the 2010 OU2 ROD have been implemented.

#### *OU2 Operation and Maintenance*

The State and PRP operations and maintenance (O&M) responsibilities are defined in the OU2 O&M Plan (September 2018). Grace's responsibilities are further defined in the environmental covenant (July 2014) for the Flyway property.

Montana DEQ requirements for O&M includes conducting an annual inspection, preparing an annual report, maintaining the cover, and evaluating/updating institutional controls (ICs). Current annual inspection reports and associated data are available by contacting EPA Region 8 or Montana DEQ.

In regard to ICs, an environmental covenant for the Kootenai Development Company's property within OU2 was recorded with the Lincoln County Clerk and Recorder on July 28, 2014. The environmental covenant provides the following Use Restrictions: (1) No excavation, construction, or disturbing soil on the property without written approval from EPA and Montana DEQ, (2) Prior to disturbance activities, a written plan must be approved by EPA and Montana DEQ that describes the health and safety of workers and restoring the integrity of the cover material, and (3) Restrictions on uses or activities that would disturb/interfere or have the potential to disturb/interfere with the protectiveness of the remedy and remedial components.

#### *Five-Year Review*

The remedies at the entire Site, including OU2 require ongoing five-year reviews in accordance with CERCLA Section 121(c) and Section 300.430(f)(4)(ii) of the NCP.

In the statutory 2015 five-year review dated June 22, 2015 conducted for OU1

and OU2 for the Site, the OU2 remedy was determined to be protective since all required institutional controls were in place including an environmental covenant on the Kootenai Development Company's property. There were no issues or recommendations for OU2.

Pursuant to CERCLA section 121(c) and the NCP, EPA will conduct the next five-year review by June 22, 2020 to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at the Site above levels that allow for unlimited use and unrestricted exposure.

#### *Community Involvement*

Public participation activities have been satisfied as required in CERCLA Section 113(k), 42 U.S.C. 9613(k) and CERCLA Section 117, 42 U.S.C. 9617. During the development and implementation of the remedy for this operable unit, comment periods were offered for the proposed plan, the five-year review, and other public meetings. The documents that the EPA relied on for the partial deletion of OU2 from the Libby Asbestos Superfund Site are in the docket and are available to the public in the information repositories. A notice of availability of the Notice of Intent for Partial Deletion has been published in the Western News, the Kootenai Valley Record, and the Montanian to satisfy public participation procedures required by 40 CFR 300.425 (e) (4).

The State, the Lincoln County Commissioners, and the City of Libby are supportive of the partial deletion of OU2. The State signed a letter of concurrence on September 13, 2018.

#### *Determination That the Site Meets the Criteria for Deletion*

EPA has consulted with the State, Lincoln County Commissioners, and the City of Libby on the proposed partial deletion of OU2 of the Libby Asbestos Site from the NPL prior to developing this Notice of Partial Deletion. Through the five-year review, EPA has also determined that the response actions taken are protective of public health or the environment and, therefore, taking of additional remedial measures is not appropriate.

The implemented remedies achieve the degree of cleanup or protection specified in the 2010 OU2 ROD.

All selected removal and remedial action objectives and associated cleanup goals for OU2 are consistent with agency policy and guidance. This partial deletion meets the completion requirements as specified in OSWER Directive 9320.2-22, Close Out

Procedures for National Priority List Sites. All response activities at OU2 of the Site are complete and the Operable Unit poses no unacceptable risk to human health or the environment. Therefore, EPA and Montana DEQ have determined that no further response is necessary at OU2 of the Site.

#### **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, Water supply.

**Authority:** 33 U.S.C. 1321(d), 42 U.S.C. 9601-9657; E.O. 12580, E.O. 12777, E.O. 13626, 52 FR 29233, 56 FR 54757, 77 FR 56749, 3 CFR 2013 Comp., p. 306; 3 CFR, 1991 Comp., p. 351; 3 CFR, 1987 Comp., p. 193.

Dated: December 20, 2018.

**Douglas H. Benevento,**  
*Regional Administrator, Region 8.*

[FR Doc. 2019-01319 Filed 2-5-19; 8:45 am]

**BILLING CODE 6560-50-P**

## **FEDERAL MARITIME COMMISSION**

### **46 CFR Part 515**

[Docket No. 18-11]

RIN 3072-AC73

#### **Amendments to Regulations Governing Licensing, Financial Responsibility Requirements, and General Duties for Ocean Transportation Intermediaries**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** In a proposed rule published in the **Federal Register** on December 17, 2018, the Federal Maritime Commission proposed to amend its rules governing licensing, financial responsibility requirements, and general duties for ocean transportation intermediaries (OTIs). The proposed changes are mainly administrative and procedural. This notice reopens the comment period which concluded on January 18, 2019.

**DATES:** Comments on the proposed rule published December 17, 2018 (83 FR 64502) are due on or before February 22, 2019.

**ADDRESSES:** You may submit comments by the following methods:

- *Email:* [secretary@fmc.gov](mailto:secretary@fmc.gov).
- *Mail:* Rachel E. Dickon, Secretary, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573-0001.

**FOR FURTHER INFORMATION CONTACT:** Rachel E. Dickon, Secretary. Phone: (202) 523-5725. Email: [secretary@fmc.gov](mailto:secretary@fmc.gov).

**Rachel Dickon,**  
Secretary.

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**BILLING CODE 6731-AA-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 25

[IB Docket No. 06-160; FCC 18-157]

#### Proposed Amendment of the Commission's Policies and Rules for Processing Applications in the Digital Broadcast Satellite Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Communications Commission (FCC) proposes to amend its rules to establish a licensing and regulatory framework for space stations in the 12.2-12.7 GHz and 17.3-17.8 GHz frequency bands that would harmonize the rules regulating DBS with those regulating geostationary-satellite orbit Fixed-Satellite Service systems.

**DATES:** Comments are due March 25, 2019. Reply comments are due April 22, 2019.

**ADDRESSES:** You may submit comments, identified by IB Docket No. 06-160, by any of the following methods:

- *Federal Communications Commission's website:* <http://apps.fcc.gov/ecfs>. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Sean O'More, International Bureau, Satellite Division, 202-418-2453, [sean.omore@fcc.gov](mailto:sean.omore@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Second Notice of Proposed Rulemaking (Second NPRM), FCC 18-157, adopted November 9, 2018, and released November 13, 2018. The full text of the

Second NPRM is available at [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-18-157A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-18-157A1.pdf). The full text of this document is also available for inspection and copying during business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street SW, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

#### Comment Filing Requirements

Interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers.* Comments may be filed electronically using the internet by accessing the ECFS, <http://apps.fcc.gov/ecfs>.

- *Paper Filers.* Parties who file by paper must include an original and four copies of each filing.

Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

○ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

○ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

○ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

- *Persons with Disabilities.* To request materials in accessible formats for persons with disabilities (braille, large print, electronic files, audio format), or to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call 202-418-0530 (voice) or 202-418-0432 (TTY).

#### Ex Parte Presentations

We will treat this proceeding as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

#### Paperwork Reduction Act

This document contains proposed new and modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we seek specific comment on how we might