

To prevent a future use of the property which could disturb the integrity of the containment of contamination provided by the building slabs, institutional controls have been imposed on those areas of concern. These institutional controls take the form of deed restrictions which are in addition to those imposed on the Material Placement Area (MPA). These deed restrictions will insure that the remedy remains protective of human health and the environment. Remedial activities were conducted as planned. No additional areas of contamination were identified beyond the discovery of contained contaminated soils beneath structures in the Rival Back Yard (RBY) and the expansion of other areas containing lead contaminated soils and sediments, and the sediments in Lake Marie. The remedial action which was finalized in accordance with the ROD and the Consent Decree put into place deed restrictions in the areas of concern in the RBY and the Material Placement Area.

The Remedial Design and the Remedial Action were carefully reviewed by EPA and MDEQ for compliance with all requirements of the ROD and with all applicable Quality Assurance/Quality Control (QA/QC) procedures and protocol.

All procedures and protocols followed for soil and sediment sampling analysis during the Post-remediation verification sampling are documented in the Post Remediation Verification Sampling Plan. This sampling plan is contained in the Construction Management Plan dated May 8, 1992, as was modified in the field. A Quality Assurance Project Plan (QAPP) was prepared, consistent with the requirements of EPA's Interim Guidelines and Specifications for preparing Quality Assurance Project Plans (QAM-005/80), and in conjunction with the design documents. This QAPP was later modified and used to implement the Remedial Action.

The QA/QC program utilized throughout the Remedial Action was acceptable and enabled EPA and MDEQ to determine that the testing results reported were accurate to the degree needed to assure satisfactory execution of the Remedial Action and consistent with the ROD.

The verification sampling performed across the site have indicated that all cleanup levels have been achieved and the construction was completed consistent with the ROD and design plans and specifications. Throughout the construction, the U.S. Army Corps of Engineers (COE) provided oversight of the Remedial Action on behalf of

EPA. The COE conducted frequent inspections of all site construction activities and submitted written monthly reports that described the results of its inspections.

Laboratory results have indicated that the remedy has achieved performance standards and met the cleanup levels established in the ROD. Interpretation of this analytical data indicate that the remedy has been constructed in accordance with the Remedial Design plans and specifications and is achieving the primary purpose of preventing human health risks from contamination of on-site soils and sediments.

As required by the Consent Decree (CD), the Settling Parties submitted the final Operation and Maintenance (O&M) Plan to EPA on November 12, 1993. The ROD requires that groundwater monitoring be performed quarterly for the first year. EPA will review the data and a decision will be made on the frequency of monitoring for the subsequent years.

Four groundwater monitoring wells were installed in and around the MPA. These wells will be used to monitor the long-term performance of the Material Placement Area on the quality of the groundwater. Samples from each monitoring well will be collected and analyzed for the lead (total lead). Statistical analysis will be employed to determine if the MPA is having an adverse affect on the area groundwater.

In accordance with EPA guidance, a five year review of this project is necessary to ensure continued protection of human health and the environment. The statutory five-year review will be conducted pursuant to guidance contained in OSWER Directive 9355.7-02, Structure and Components of the Five-Year Review. The five year time frame began on June 22, 1992, the Remedial Action contract award date. Therefore, the five year review should be completed on or before June 22, 1997.

EPA, with concurrence of the State, has determined that all appropriate Fund-financed responses under CERCLA at the Site have been completed, and that no further cleanup by responsible parties is appropriate. Therefore, it proposes to delete the Site from the NPL and requests public comments on the proposed deletion.

Dated: June 1, 1995.

**Patrick M. Tobin,**

*Acting Regional Administrator.*

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 65

RIN 3067-AC38

#### Review of Determinations for Required Purchase of Flood Insurance

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Proposed rule.

**SUMMARY:** FEMA proposes to establish the procedures and process for its review of determinations of whether a building or mobile home is located in an identified Special Flood Hazard Area. The review process will provide an opportunity for borrowers and lenders of loans secured by improved real estate to resolve disputes regarding contested determinations.

**DATES:** We invite your comments on this proposed rule, which should be submitted on or before August 14, 1995.

**ADDRESSES:** Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (facsimile) (202) 646-4536.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2756, (facsimile) (202) 646-4596 (not toll-free calls).

**SUPPLEMENTARY INFORMATION:** Section 102(e) of the Flood Disaster Protection Act of 1973, as amended by the National Flood Insurance Reform Act of 1994 (NFIRA) (42 U.S.C. 4012a(e)(3)), states that the borrower and lender for a loan secured by improved real estate or a mobile home may jointly request FEMA to review a determination of whether the building or mobile home is located in an identified Special Flood Hazard Area (SFHA). Within 45 days after receiving the request, if all required supporting technical information is provided, FEMA would review the determination and provide to the borrower and the lender a letter stating, based on the information supplied, whether the building or mobile home is in an identified Special Flood Hazard Area. These procedures would be available to the borrower and the lender during the 45-day period after the borrower is notified that flood insurance is required. Only joint requests by both the lender and the borrower (requests accompanied by a letter signed by both parties) would be accepted under these procedures. Requests submitted more